

The Final Purpose of the Metaphysics of Morals: Kant's Theory of Perpetual Peace

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Abstract

Perpetual peace, an old yet significant idea in the history of Western Philosophy, is no doubt crucial to the development of mankind. Kant is plainly the first philosopher who introduces some philosophical elements into the theory of perpetual peace. The notion of perpetual peace can be deemed as the final purpose of his *Metaphysics of Morals*. Unfortunately, Kant's theory of perpetual peace has been underestimated by academic circles for almost two centuries. In recent years, however, many scholars have repositioned their focal point to this theory chiefly promoted by crises in international affairs which arise from the hostility between states. Thus, it is instructive to re-study his theory of perpetual peace.

This study thus attempts to investigate the ground of the theory of perpetual peace and to appraise some substantial claims in Kant's famous essay, i.e. *Towards Perpetual Peace—A Philosophical Project*. This study is divided into three chapters. The first examines the ground of perpetual peace, i.e. the notions of freedom and of public right. The second attempts to spell out the function of the notion of purposiveness as a dependable guarantee of perpetual peace. The third appraises some substantial claims in the project focusing on the six preliminary articles and the three definitive articles. Although Kant clearly notes the notion of perpetual peace as an unachievable idea, it can be regarded as "continual approximation" which conducts human beings in their development toward peace in perpetuity.

西方哲學史裏，永久和平的理念雖然古老，但在人類發展的問題仍有極重要的地位。我們可以說，康德是第一位為永久和平概念引入理論成素的哲學家。這個理念也可視為他「道德形上學」的「最後目的」。雖然他的永久和平理論很重要，但可惜受學界忽視已接近兩個世紀。然而近幾十年，因國際危機不斷出現，國家之間的敵意不斷加深，於是很多學人重提康德的永久和平理論以對治上述的問題。所以重新研究他的永久和平理論，仍有深遠的啟發意義。

本研究嘗試檢查永久和平理論的基礎、評估康德的《邁向永久和平——哲學意義的規劃》內的實質主張。本研究分為三部份。第一部份會闡釋永久和平的基礎，也即是自由、公共權利等概念。第二部份嘗試說明目的性概念功能、如何成為永久和平的保證。第三部份則評價在永久和平的規劃內實質主張，會集中於六條基本條款與三條確定條款。雖然康德知道永久和平是永不達成的理想，但仍可視它為「連續近似值」，為人類發展發揮定向作用，邁向永久和平。

Notes on sources and translations

Apart from *Critique of Pure Reason*, all references to Kant are given to the volume and pages of *Kants Gesammelte Schriften* (KGS), herausgegeben von der Deutsche Akademie der Wissenschaften, 29 volumes (Berlin: Walter de Gruyter, 1902). All references to English translations are from *The Cambridge Edition of the works of Immanuel Kant*, edited by Paul Guyer and Allen Wood.

1. "Idee zu einer allgemeinen Geschichte in weltbürgerlicher Absicht" (KGS 8). "Idea for a universal history with a cosmopolitan aim," in *Anthropology, History, and Education*, translated by M. Gregor, P. Guyer, A. Wood etc. and edited by Günter Zöllner and Robert B. Louden. New York: Cambridge University Press, 2007.
2. *Erste Einleitung in der Kritik der Urteilskraft* (KGS 20), *First Introduction to the Critique of the Power of Judgment*, in *Critique of the Power of Judgment*, trans. and ed. Paul Guyer and Eric Matthews. New York: Cambridge University Press, 2001.
3. *Grundlegung zur Metaphysik der Sitten* (KGS 4). *Groundwork of the Metaphysics of Morals*, in *Practical Philosophy*, trans. and ed. Mary j. Gregor. New York: Cambridge University Press, 1999.
4. *Jäsche Logik* (KGS 9). *The Jäsche Logic*, in *Lecture on Logic*, trans. and ed. J. Michael Young. New York: Cambridge University Press, 2004.
5. *Kritik der praktischen Vernunft* (KGS 5). *Critique of Practical Reason*, in *Practical Philosophy*, translated and edited by Mary j. Gregor. New York: Cambridge University Press, 1999.
6. *Kritik der reinen Vernunft* (KGS 3-4). *Critique of Pure Reason*, trans. and ed. Paul Guyer and Allen W. Wood. New York: Cambridge University Press, 1998.
7. *Kritik der Urteilskraft* (KGS 5). *Critique of the Power of Judgment*, trans. and ed. Paul Guyer and Eric Matthews. New York: Cambridge University Press, 2001.
8. *Metaphysik der Sitten* (KGS 6). *The Metaphysics of Morals*, in *Practical*

Philosophy, trans. and ed. Mary j. Gregor. New York: Cambridge University Press, 1999.

9. *Über den Gemeinspruch: Das mag in der Theorie richtig sein, taugt aber nicht für die Praxis* (KGS 8). *On the common saying: That may be correct in theory, but it is of no use in practice*, in *Practical Philosophy*, trans. and ed. Mary j. Gregor. New York: Cambridge University Press, 1999.
10. *Zum ewigen Frieden. Ein philosophischer Entwurf* (KGS 8). *Toward Perpetual Peace—A Philosophical Project*, in *Practical Philosophy*, trans. and ed. Mary j. Gregor. New York: Cambridge University Press, 1999.
11. *Notes and Fragments* (KGS 14-23), trans. and ed. Paul Guyer and Frederick Rauscher. New York: Cambridge University Press, 2005.
12. *Opus postumum* (KGS 21-22), trans. and ed. Eckart Förster and Michael Rosen. New York: Cambridge University Press, 1995.
13. *Theoretical Philosophy after 1781*, trans. and ed. Henry Allison and Peter Heath. New York: Cambridge University Press, 2002.

Introduction

The year of 1789, in which the French Revolution began, was no doubt a significant year in Western history. The Revolution, with its slogan “Men are born free and live free and with equal rights,” abolished all feudal privileges and implemented the republic in France. Kant, like many intellectuals in German-speaking countries such as Herder, Schiller and Fichte, watched the Revolution and was deeply inspired by it. As one of his friends said, “he lived and moved in it ... and, in spite of all the terror, he held on to his hopes so much that when he heard of the declaration of the republic he called out with excitement: ‘Now let your servant go in peace to his grave, for I have seen the glory of the world.’”¹ Kant’s subsequent writings show that in spirit he was unequivocally an adherent of the Revolution. In 1795 Kant published his well-known work, *Toward Perpetual Peace—A Philosophical Project* (*Zum ewigen Frieden. Ein philosophischer Entwurf*), in which he attempted to design a project for human beings in their endeavor to achieve perpetual peace. It has been well recognized that this work is of great significance for Kant’s moral and political philosophy. After spelling out his basic tenets of transcendental philosophy in the three *Critiques*, he began to apply them in different philosophical areas, to rethink and solve those more pragmatic problems surfacing in the history of humankind. As such, *Toward Perpetual Peace—A Philosophical Project* can be deemed as a fruitful continuance of the Kantian enterprise of transcendental philosophy.

As is well known, in his moral and political philosophy, Kant not only attempted

¹ Rudolf Malter, *Kant in Rede und Gespräch*, (Hamburg: Felix Meiner Verlag, 1990), p. 348. I quote the sentence from Manfred Kuehn, *Kant: A Biography* (New York: Cambridge University Press, 2001), pp. 341-342.

to solve the problems of good and evil and the relation between reason and will, but was also concerned with the problem of right, especially the right of citizen and states. From his chronology of publication, one can clearly see that the theory of perpetual peace is one of the core themes in his later works. Besides *Toward Perpetual Peace –A Philosophy Project*, there are two other important works dealing with the very topic, i.e. “On the common saying: That may be correct in theory, but it is of no use in practice,” (*Über den Gemeinspruch: Das mag in der Theorie richtig sein, taugt aber nicht für die Praxis*)(1792) and *The Metaphysics of Morals (Metaphysik der Sitten)* (1797). When one scrutinizes these two works, it would seem clear that the former is a preparation for the theory of perpetual peace, whereas the latter offers a systematic discussion of the grounds of this theory. Accordingly, these three could be regarded as Kant’s representative works on his theory of perpetual peace.

There may be some who deem this theory as being too old and useless on the grounds that it cannot deal with those troublesome modern international affairs. I nevertheless believe that it is illuminating to re-read Kant’s theory of perpetual peace since it provides many inspiring insights. To be sure, the notion of perpetual peace was indeed an aged idea in European history, which can be traced back to the late sixteenth-century² and was debated of in the era of Enlightenment. Nevertheless, it is Kant who firstly articulated a philosophical foundation into the notion, and made it an epochal and indispensable standpoint for modern international affairs. As a Pauline Kleingeld points out, owing to “the recent resurgence of debates about globalization, about the role and mandate of the United Nations, and about the international order after the end of the Cold War, Kant’s

² Richard Tuck, *The Rights of War and Peace: Political Thought and the International Order from Grotius to Kant* (New York: Oxford University Press, 1999).

theory of peace has been steadily gaining attention since 1989.”³

In concluding the Doctrine of Right in *The Metaphysics of Moral*, Kant explicitly indicates that “establishing universal and lasting peace constitutes not merely a part of the doctrine of right but rather the entire final end of the doctrine of right within the limits of mere reason.”⁴ Taking perpetual peace as the final pursuit of the metaphysics of moral, he devises a project to fulfill it. The Kantian idea of perpetual peace has influenced many contemporary philosophers, including John Rawls and Jürgen Habermas. The former has written a distinguished work, *The Law of Peoples*,⁵ which provides a new perspective to deal with world peace. And the latter has tackled the problem in regard to the unification of Europe. Perpetual peace, as Rawls says, is a “realistic utopia” rather than an impracticable project.⁶ The League of Nations (1949-45) and the United Nations (1945-) maybe well seen as examples of preliminary achievements of the project of perpetual peace in human political life. But what are the conditions under which perpetual peace can be attained? How should international order be constructed in virtue of peaceful principles? Are there any problems with the project, in theoretical or practical dimensions? I believe that by studying Kant’s theory of perpetual peace we may gain useful insights in resolving international entanglements.

I. Literature review

For a very long time, students of Kant had devoted most of their enthusiasm to

³ Pauline Kleingeld, “Kant’s theory of peace”, in *The Cambridge Companion to Kant and Modern philosophy*, ed. Paul Guyer, (New York: Cambridge University Press, 2006), p. 477.

⁴ *The Metaphysics of Morals*, 6: 355.

⁵ John Rawls, *The Law of Peoples* (Cambridge, Mass.: Harvard University Press, 1999).

⁶ Rawls, *The Law of Peoples*, op. cit., p. 5.

his works of the Critical period, and it is in very recent years that his political philosophy and, specifically, his idea of perpetual peace, have been revitalizing by scholars. Here are some examples of new researches on Kantian political theories. *Kant's Metaphysics of Morals: Interpretative Essays*⁷ concentrated on human rights and virtue ethics; *Kant and Political Philosophy: The Contemporary Legacy*⁸ and *Essays on Kant's Political Philosophy*⁹ discussed external freedom and jurisdiction; Hannah Arendt's *Lectures on Kant's Political Philosophy* introduced the third *Critique* into the explanation of Kant's political philosophy.¹⁰

For the purpose of the present study, it is worthwhile to note a significant event. In 1995 a conference was held in Frankfurt to commemorate the bicentenary of the publication of *Toward Perpetual Peace—A Philosophical Project*. Papers of the conference have been collated into a volume called *Perpetual Peace: Essays on Kant's Cosmopolitan Ideal*.¹¹ This volume, as the name of the book suggests, was devoted exclusively to discussions of Kant's theory of perpetual peace, its influence on international law and the realization of men as world citizens.

Other scholars have also been discussing Kant's notion of peace from different perspectives. For instance, Otfried Höffe's *Kant's Cosmopolitan Theory of Law and Peace*,¹² investigated many important aspects of Kant's theory of moral, such as

⁷ Mark Timmons ed., *Kant's Metaphysics of Morals: Interpretative Essays* (New York: Oxford University Press, 2002).

⁸ Ronald Beiner and William James Booth eds., *Kant and political philosophy: the contemporary legacy* (New Haven: Yale University Press, 1993).

⁹ Howard Williams ed., *Essays on Kant's Political Philosophy* (Chicago: The University of Chicago Press, 1992).

¹⁰ Hannah Arendt, *Lectures on Kant's Political Philosophy*, ed. Ronald Beiner (Chicago: The University of Chicago Press, 1982).

¹¹ James Bohman and Matthias Lutz-Bachmann eds., *Perpetual Peace: Essays on Kant's Cosmopolitan Ideal* (Cambridge, Mass.: MIT Press, 1997).

¹² Otfried Höffe, *Kant's Cosmopolitan Theory of Law and Peace*, trans. Alexandra Newton, (New York:

natural law, good and evil, faculty of judgment etc., and meanwhile evaluated how these aspects can contribute to the cosmopolitan theory of law and peace.

In her work *Kant's Politics: Provisional Theory for an Uncertain World*,¹³ Elisabeth Ellis introduced a different perspective for *The Metaphysics of Moral*, namely, a provisional right which "always leaves open the possibility of leaving the state of nature among states...and entering a rightful condition."¹⁴ She expanded this point of view from private right to public right, especially in terms of international relationship.

From the works mentioned above, one could conclude briefly that there are some valuable reflections on Kant's theory of perpetual peace:

1. Most scholars seem to be aware of the relevance of Kant's moral philosophy in the political sphere and, based on their interpretations, attempts are made to apply the former to the latter. Moral and political philosophies are no doubt interrelated. It seems, however, that there are few discussions on Kant's political philosophy from the inter-personal perspective. We may thus see a different picture if we construe Kant's theory of peace in terms of inter-subjectivity.

2. While indeed more and more scholars have paid attention to the significance of Kant's theory of perpetual peace, their efforts were put largely on the explanation of the notion of peace itself. The relationship between this notion and Kant's critical philosophy, especially that expounded in *Critique of the Power of Judgment*, have still

Cambridge University Press, 2006).

¹³ Elisabeth Ellis, *Kant's Politics: Provisional Theory for an Uncertain World* (New Haven: Yale University Press, 2005).

¹⁴ Ellis, *Kant's Politics: Provisional Theory for an Uncertain World*, op. cit. p. 3; 112. *The Metaphysics of Morals*, 6: 256; 347.

been much neglected. A careful reading of *Toward Perpetual Peace*, however, reveal that Kant himself had been well aware of the relationship. Kant explicitly introduces the notion of purposiveness, originally articulated in the third *Critique*, into the theory of perpetual peace, as an important principle regulating our mind in conceiving perpetual peace. This neglected relationship leaves a wide gap to be filled before Kant's theory of peace can be properly elucidated in contemporary contexts.

II. The studying content

Starting with Kant's transcendental philosophical perspective, the main theme of this study is to investigate his theory of peace. This study is divided into three chapters with the following sub-topics:

Chapter 1. From Subjectivity of Individuals to Inter-Subjectivity: Moral Law and Social Contract in Kant's Theory of Perpetual Peace

It is a long tradition in Western philosophy to view the ground of human right as natural law, which is construed as a principle determining nature and human action alike.¹⁵ Nevertheless, Kant deliberately transposes the ground of right from natural law to moral law, to the extent that moral law becomes the only ground of the right. Furthermore, Kant, inspired by Hobbes, argues that the notion of Original Contract can construct the public right which includes the right of states. Starting from this preliminary foundation, in this chapter, I shall attempt to explain that Kant's argument of public right involves the *Wille--Willkür* distinction and the notion of Original Contract.

¹⁵ P. H. Reill and E. J. Wilson eds., *Encyclopedia of Enlightenment* (New York: Facts On File, 1996), pp.299-300.

Chapter 2. Nature's guarantee of perpetual peace and the notion of purposiveness

In the project of perpetual peace, Kant appeals to providence as the guarantee of perpetual peace. Some scholars nevertheless object to this argument and argue that providence is redundant in the theory of perpetual peace. This objection, admittedly, neglects Kant's notion of nature, reflective judgment and purposiveness. In this chapter, I shall try to defend the Kantian idea that purposiveness is a necessary notion for the theory of perpetual peace.

Chapter 3. Appraising the project of perpetual peace

In his project of perpetual peace, Kant brings forward some substantial claims, i.e. the six preliminary articles and the three definitive articles, the latter of which can be deemed as the core of the project. This chapter will attempt to explain these articles in detail, especially the three definitive articles. Included in this chapter will be a discussion of the relation between establishing international organizations and the scope of common affairs, as well as the relation between cosmopolitan right and the spirit of commerce.

1. From subjectivity of individuals to inter-subjectivity: Moral Law and Social Contract in the Theory of Perpetual Peace

In Kant's theory of perpetual peace, the notion of right including both right of states and cosmopolitan right is of great theoretic significance. According to what Kant had famously articulated in his critique of practical reason, every human being with his own freedom should be compatible with each other. Applying this maxim into the context of international relation, one easily come to the idea that every state being with its own freedom should be compatible with each other, and not infringe upon right of other states. Right is not a privilege of some people or of some states, but belongs to you and me. As Kant argues, right is "mine and yours" (*das Mein und Dein*), from which Kant plainly denotes the possession of right for all human beings. From the view of right as "mine and yours," Kant further discusses the problem of right.

What is the ground of right? This had been a perplexing issue in the history of philosophy. Many philosophers, in particular philosophers in the seventeenth and eighteenth centuries, e.g. Hobbes, Rousseau and Locke, appeal to the notion of natural law (*Naturrecht*)¹⁶ and social contract in tackling the problem. Natural law is considered by them as an ultimate metaphysical principle for constructing an order of the world and for binding human actions as well. In comparison to the notion of theocracy, the notion of social contract is a new perspective for constructing the right in the public sphere. Inspired by some of these philosophers, in his theory of

¹⁶ The notion of "natural law" is confused with the scientific notion of "law of nature" (*Gesetze der Natur*). I shall discuss them in the following.

perpetual peace Kant attempts to articulate the right of state through the notion of social contract.¹⁷ As Rawls squarely remarks, Kant's stance can be regarded as being in the tradition of social contract theory.¹⁸ As for natural law, his attitude is different from that of his precedents in that he appeals to moral law rather than natural law in articulating the notion of right.¹⁹ If one scrutinizes *Critique of Pure Reason*, *Critique of Practical Reason* and *Groundwork of the Metaphysics of Moral*, one easily notices that, in handling the ground of right, Kant tacitly shifts the focus from natural law to moral law with regard to the object of metaphysics.

How moral law and the notion of social contract can construct the theory of perpetual peace? Why should we treat a metaphysical law as the foundation of the theory of perpetual peace? In commonsense, it seems that it is unnecessary to appeal to such metaphysical laws in tackling the problem of right. Many modern philosophers, Rawls for instance, take this commonsensical point of view. Though Rawls grounds his theory of justice on the Kantian notion that in searching the highest good in our reason we regard ourselves as having autonomy, he tries to avoid any metaphysical commitment in his theory.

Moral law, of course, does seem to be a metaphysical principle. However, according to Kant, one can consider the law from the metaphysical point of view,

¹⁷ "On the common saying: Thus may be correct in theory, but it is of no use in practice," 8: 289-307.

¹⁸ John Rawls claims that "my aim is to present a conception of justice which generalizes and carries to a higher level of abstraction the familiar theory of the social contract as found, say, in Locke, Rousseau, and Kant. " in Rawls, *A Theory of Justice* (rev. ed.) (Cambridge, Mass: Harvard University Press, 1999), p. 10.

¹⁹ Kant's lecture notes show that he is plainly concerned about the role of natural law in the political philosophy. See Immanuel Kant: *Lectures and Drafts on Political Philosophy*, trans. Frederick Rauscher and Kenneth Westphal. Unfortunately I cannot read the English translation because it is not yet published. However, as the translator Rauscher mentions, the issue of natural law in Kant's lectures and drafts on political philosophy is no doubt an important topic.

See: <http://plato.stanford.edu/entries/kant-social-political/>

namely, the noumenonal perspective. For Kant, moral law can be regarded as an indispensable principle of the ground of right. This law also involves Kant's another distinction of freedom, i.e., *Wille* and *Willkür*. This distinction refers to the problem of freedom in the public sphere. Also, starting from moral law and social contract, Kant recasts a new transcendental principle for the public right. In this chapter, I shall discuss how Kant tackles the problem of the ground of right in terms of moral law and social contract. This chapter is divided into four parts. The first explains the view of right as "mine and yours", which is a core notion of Kant's theory of perpetual peace. The second examines how Kant transits from natural law to moral law. The third discusses the relation between *Wille* and *Willkür*. The fourth illustrates how Kant refines the notion of social contract as the transcendental principle in the public sphere.

I. Right as "mine and yours" and the level of inter-subjectivity

Any discussion of the problem of right unavoidably involves a significant notion, i.e., inter-subjectivity. This is because by the notion of right we usually assume a condition that people perform their freedom in a public sphere, where there are many subjects interacting with each other. Hence, in the level of inter-subjectivity, it is important to define right in term of the standpoint of each person. It should be noted that in the Kantian practical philosophy system, the term "inter-subjectivity" is indeed adopted in talking about the public sphere. In his early texts of practical philosophy, e.g., *Groundwork of The Metaphysics of Morals* and the second *Critique*, Kant focuses on the faculty (*Vermögen*) of subjectivity of individual. It seems that there he ignores the problem of inter-subjectivity. As such, it may be illuminating to consider from Kant's wording in *The Metaphysics of Morals* so as to understand

whether or not Kant notes the problem in the level of inter-subjectivity.²⁰

In the first part of the Doctrine of Right of *The Metaphysics of Morals*, Kant introduces a possessive-pronominal twin expression “*das Mein und Dein*” which has been translated into English as “mine and yours” or “possession.”²¹ This expression firstly occurs after two parallel divisions of rights. Indeed it signifies a systematic doctrine and the highest division of rights, which distinguishes human rights into natural and positive right and innate and acquired right. For Kant, innate right can be construed as what is “internally mine and yours” and acquired right as “externally mine and yours.” Thus, *Mein und Dein* is a general expression used by Kant to characterize rights from inter-personal perspectives. Freedom as an innate right belongs to me, to you and to everyone in human community because of our humanity.²² Moreover, considering the human freedom socially in accordance with an *a priori* principle of coexistence can merely yield innate equality.²³ “By putting both possessive pronouns *Mein* and *Dein* next to one another, Kant was clearly declaring that, in point of view of law and justice, a multi- or inter-personal approach is mandatory, or that no egoistic perspective should be allowed.”²⁴

²⁰ I am here largely following the analyses of Tze-wan Kwan, “Towards a Phenomenology of Pronouns”, in *International Journal of Philosophical Studies*, Vol. 5(2), ed. Maria Baghramian (Routledge, 2007), pp. 258-9.

²¹ *The Metaphysics of Morals*, 6: 237. The English translation of this expression is “mine or yours”. However, the German word “und” always refers to English word “and” rather than “or.” In fact the disjunction “or” would totally violate Kant’s intention with this expression, namely, pointing to the sphere of mutuality of rights. Thus, this expression should be translated as “mine and yours.”

²² *The Metaphysics of Morals*, 6: 237.

²³ *The Metaphysics of Morals*, 6: 238.

²⁴ Kwan, “Towards a Phenomenology of Pronouns”, op. cit., pp. 258-9. Also, *Mein und Dein* also is the crucial point of the transition from private right to public right. It is located at §41 as the beginning of Doctrine of Public Right and names “Transition from What is Mine or Yours in a State of Nature to What is Mine or Yours in a Rightful Condition Generally.” (*Übergang von dem Mein und Dein im Naturzustande zu dem im rechtlichen Zustande überhaupt.*) *The Metaphysics of Morals*, 6: 305. There is a little different arrangement between the German and the English versions. The former arranges § 41 in the beginning of the doctrine of public right, whereas the latter in the end of the doctrine of private right. Here I quote the German version. Nevertheless, although there are two arrangements, it is plainly that “mine or yours” is a critical transition point from private right to public right.

Right is universal for all subjects. The expression of “mine and yours” shows that Kant has indeed noted the problem of freedom from the level of subjectivity of individuals to the level of inter-subjectivity.²⁵ In his theory of right, the view of “mine and yours” is also a crucial notion in transiting from private right to public right. From the subtitle of §41 “Transition from what is mine and yours in a state of nature to what is mine and yours in a rightful generally”, located between the end of the part of private right and the beginning of the part of public right, he expands the notion of right from a state to the international relation.²⁶ Thus, from the view of “mine and yours,” right is of universal nature. All human beings and all states possess their own freedom simultaneously, and no one has privilege in fringing upon others’ right.

One can admit that right is “mine and yours,” but what is the ground of universal right? This problem obviously involves Kant’s another significant notion, i.e., moral law, to be discussed below.

II. Moral law as the universal principle of right

²⁵ The term “inter-subjectivity” is used in contemporary philosophy, especially in Phenomenology and Habermas. According to Habermas, there are two conditions in constructing the sphere of inter-subjectivity. The first is the symbolic phenomenon that men have capacity for using symbolic and for building meaning. The second is the communicative action that men should comply with some common rules when they attempt to understand each other. Otherwise, we cannot understand what we are doing. While Kant never use the term “inter-subjectivity” in characterizing the public sphere and does not discuss those conditions mentioned above, he notes that there are two levels of subjectivity, i.e., the level of subjectivity of individual and that of inter-subjectivity. The latter is not entirely equivalent to the former, since some properties of the whole, such as relation between subjects, cannot be reduced to its part. Moreover, Cassirer, one of the Neo-Kantianists, develops symbolic philosophy inspired by the first *Critique*. Kant’s three *Critiques* also show that there are three kinds of principles which corresponded to three different aspects of experience. I believe that Kant’s philosophy can fulfill those conditions mentioned above and that I can use the term “inter-subjectivity” in this chapter.

²⁶ *The Metaphysics of Morals*, 6: 305.

At the very beginning in the introduction of *The Metaphysics of Morals*, Kant defines that “right (*Recht*) is therefore the sum of the conditions under which the choice (*Willkür*) of one can be united with the choice of another in accordance with a universal law of freedom.”²⁷ It seems that in some locus he advances natural law as the ground of right.²⁸ However, when we scrutinize the whole introduction, we notice that Kant plainly and repeatedly argues that the ground of right is the law of freedom, i.e., moral law. And he explicitly argues that categorical imperative, or moral law, is the principle of right.²⁹ In other words, we should appeal to moral law in conceiving ground of the right.

But why should one appeal to some laws in conceiving the right? To answer this question, it is useful to consider the meaning of the German word “*Recht*”. The word “*Recht*” means justices, right as well as law which reciprocally imply each other. “To put it more explicitly, *Recht* has to do with *justice* for this man or this sector of people; for this to take effect, certain *rights* of the individual or the sector have to be defended; and to uphold rights and justice we need a *law* that applies equally to all men.”³⁰ Also, the problem of right inevitably involves the notion of freedom in the level of inter-subjectivity such that we can freely act but at the same time will not infringe upon the freedom of others. This is amount to saying that the problem of right also involves the notion of free will, namely, the cause of action. Thus, the ground of freedom no doubt refers to the dispute about the distinction between natural law and moral law.³¹

²⁷ *The Metaphysics of Morals*, 6: 230.

²⁸ *The Metaphysics of Morals*, 6: 225.

²⁹ *Toward Perpetual Peace: A Philosophical Project*, 8: 377.

³⁰ Tze-wan Kwan, “Kant’s Possible Contribution to Natural Law Debates,” in *Responsibility and Commitment: Eighteen Essays in Honor of Gerhold K. Becker*, ed. Tze-wan Kwan (Waldkirch: Ed Gorz, 2008), p. 206.

³¹ Of course, the notion of natural law arouses two significant levels of debates, namely,

Additionally, two notions of law should be distinguished, i.e., laws of nature (*Gesetze der Natur*)³² and natural law (*Naturrecht*)³³. While the notions of laws of nature and of natural law could lead to confusion in English, considering them with their original expressions in German will give rise to different senses. In general, *Gesetze der Natur* is used in the scientific sense which refers to laws operating in the physical world. The term *Naturrecht*, on the contrary, is a combination of “*Natur*” and “*Recht*,” and clearly involves the notion of right. Observations reveal that all things in the physical world are strictly bound by some universal laws of nature, e.g. Newton’s Laws of motion, which will not change at will. In order to tackle the problem of right, many philosophers contend that the human being’s action should also be bound by natural law, just as a thing is bound by laws of nature. Thus, dealing with the problem of right or of natural law is to appeal analogically to the laws of nature, as indicated clearly in Kant’s second formulation of the categorical imperative in the *Groundwork of The Metaphysics of Morals*.³⁴

Despite the significant role of laws of nature in Kant’s philosophy, he endeavors to transit from laws of nature to moral law in construing the cause of our action and argues that the grounds of right and of freedom lies in the analysis on moral law rather than on natural law, which only provides “symbol” or type for the former. For Kant, appealing to moral law is to tackle the problem of right and at once to yield justice. Thus, I shall first outline how Kant tackles the problem of free will and of

jurisprudential debates and metaphysical debates. However, in this chapter I shall merely focus on the problem of the ground of right. Detail see: Kwan, “Kant’s Possible Contribution to Natural Law Debates”, op. cit., pp.200-204.

³² Kant sometimes uses “*Naturgesetze*” as alternative.

³³ Kant sometimes uses “*das natürliche Recht*” instead of *Naturrecht*.

³⁴ The second formulation of the categorical imperative shall be discussed in what follows.

moral law.

In the first *Critique*, Kant has already noted the problem between the laws of nature and freedom. The Third Antinomy demonstrates such dispute about laws of nature and freedom.³⁵ “The question,” as Allison suggests, “is not whether nature is to be viewed as a dynamical whole (the completeness requirement) but, assuming that it must be, how such a whole is to be conceived.”³⁶ According to this suggestion, when the regress is from effect to cause, the question is how we explain the event? The thesis of the Antinomy affirms that there is a cause which itself is not phenomenal, but a noumenal cause, whereas the antithesis denies the possibility of such a cause and focuses on the given sensible data which should be strictly bound by categories, or laws of nature. The former indicates that only the phenomenal cause is not enough in explaining the event and the latter represents a perspective of pure empiricism who merely insists that such noumenal cause would conflict with the conditions of possible experience. Subsequently Kant indicates the solution of the Third Antinomy that “if appearances are things in themselves, then freedom cannot be saved.”³⁷ In other words, we can conceive two kinds of causality with different perspectives, namely, phenomenal and noumenal perspectives, and they are compatible. The Third Antinomy shows that there is a logical space for transcendental freedom which is “an *absolute* causal *spontaneity* beginning *from itself*”.³⁸ Our actions are not like a machine merely bound by laws of nature, or

³⁵ Thesis: “Causality in accordance with laws of nature is not the only one from which all the appearances of the world can be derived. It is also necessary to assume another causality through freedom in order to explain them.” Antithesis: “There is no freedom, but everything in the world happens solely in accordance with laws of nature.” *Critique of Pure Reason*, A444/B472; A445/B473.

³⁶ Henry E. Allison, *Kant's Transcendental Idealism (rev. and enl. ed.)*, (New Haven: Yale University Press, 2004), p. 379.

³⁷ *Critique of Pure Reason*, A536/B564.

³⁸ *Critique of Pure Reason*, A446/B474.

rather they are bound by another law.

Kant's solution of the Third Antimony leaves room for transcendental freedom, but he shows it negatively. In the *Groundwork of The Metaphysics of Morals* and the second *Critique*, Kant positively articulates and describes transcendental freedom through the notion of imperative. As an agent of action, our actions, or the will, should be commended in accordance with an objective practical principle, namely, an imperative which is prescribed by practical reason.³⁹ Imperatives can be distinguished into categorical and hypothetical. Taking different imperatives as the determining ground would yield different states of the will. On the contrary, if the will takes the former, then the will is autonomous which is "the property of the will by which it is a law to itself (independently of any property of the objects of volition),"⁴⁰ whereas, if the will takes the latter, then the will "does not give itself the law; instead the object, by means of its relation to the will, gives the law to it."⁴¹ The difference between categorical and hypothetical imperatives is whether the object affects the will or not. In the former case the will can determine itself sufficiently, and in the latter case the reason still imposes the imperative to the will in obtaining the object, although the object seems to determine the will completely. In other words, no matter what imperatives are imposed to us, we are still "free" to choose.

For Kant, when we reflect on the moral issues, morality indeed entails normative principle, namely that are universal and lawful. Admittedly, only the categorical imperative, not the hypothetical imperatives, can satisfy the requirement of universality and lawfulness. As mentioned above, although the hypothetical

³⁹ *Groundwork of The Metaphysics of Morals*, 4:413.

⁴⁰ *Groundwork of The Metaphysics of Morals*, 4:440.

⁴¹ *Groundwork of The Metaphysics of Morals*, 4:441.

imperative has lawfulness, it focuses on the relationship between the will and the object, i.e., the empirical content which is contingent. In Kantian terms, it can “give *general* rules but never *universal* rules.”⁴² In contrast, the categorical imperative merely focuses on the will itself, namely the form of lawgiving, which rules out all empirical contents and is for this reason universal. He further explains that the categorical imperative must be equivalent to moral law, or unconditional practical law, which can be “independent of the law of nature (*Naturgesetz*) of appearance in their relations to one another”⁴³ We can say “such independence is called freedom in the strictest, that is, in the transcendental, sense,”⁴⁴ and Kant concludes that “freedom and unconditional practical law reciprocally imply each other.”⁴⁵

The categorical imperative has five formulas and the first is the well-known statement “*act only in accordance with that maxim through which you can at the same time will that it become a universal.*”⁴⁶ According to the requirement of universality, Kant immediately follows in the second formula from the first one to show the relationship between moral law and law of nature:

Since the universality of law in accordance with which effects take place constitutes what is properly called *nature* in the most general sense (as regards its form) – that is, the existence of things insofar as it is determined in accordance with universal laws – the universal imperative of duty can also go as follows: *act as if the maxim of your action were to become by your will a*

⁴² *Critique of Practical Reason*, 5: 36.

⁴³ *Critique of Practical Reason*, 5: 29.

⁴⁴ *Critique of Practical Reason*, 5: 29.

⁴⁵ *Critique of Practical Reason*, 5: 29.

⁴⁶ *Groundwork of The Metaphysics of Morals*, 4: 421.

universal law of nature (zum *allgemeinen Naturgesetze*).⁴⁷

In the second *Critique*, Kant indicates that “nature in the most general sense is the existence of things under laws.”⁴⁸ One can expand the meaning of nature, which includes not only natural events but also our actions, since both of them are also determined in phenomenal sense by law of nature. While the motivation of human being is difficult to observe, it cannot follow that we act without any rules. In the cited passage, Kant explicitly uses the subjunctive phrase “as if” (*als ob*) to analogize law of nature with moral law. As he clearly indicates, the former “shares with the latter the same analogy to nature with regard to its universality and lawfulness.”⁴⁹ In the second *Critique*, he attempts to use another strategy, i.e., by introducing the concept of the Typic (*Typik*),⁵⁰ to do with the problem of universality and lawfulness of moral law. Comparing with the function of the Schematism (*Schematismus*), which shows the procedure of the categories’ conduction of the intuitions in constructing empirical object, the Typic also shows a procedure in which moral law guards against “empirical of practical reason, which places the practical concepts of good and evil merely in experiential consequences (so-called happiness),”⁵¹ and “mysticism of practical reason, which makes what served only as a *symbol* into a *schema*, that is, puts under the application of moral concepts real but not sensible intuitions (of an invisible kingdom of God) and strays into the transcendent.”⁵² To sum up, our actions should be bound in accordance with universal moral law.

⁴⁷ *Groundwork of The Metaphysics of Morals*, 4: 421.

⁴⁸ *Critique of Practical Reason*, 5: 43.

⁴⁹ Kwan, “Kant’s Possible Contribution to Natural Law Debates,” op. cit., p. 214.

⁵⁰ “The rule of judgment under laws of pure practical reason is this: ask yourself whether, if the action you propose were to take place by a law of the nature (*Gesetze der Natur*) of which you were yourself a part, you could indeed regard it as possible through your will.” *Critique of Practical Reason*, 5: 69.

⁵¹ *Critique of Practical Reason*, 5: 70.

⁵² *Critique of Practical Reason*, 5: 70-1.

The possibility of free actions is the result of moral law, and free action cannot be explained merely by law of nature. As Kant argues, moral law can be deemed as a supersensible principle that implies freedom reciprocally. It seems that Kant's theory of freedom would more or less involve some metaphysical components which may arise many controversial arguments in contemporary contexts. Indeed, many modern political philosophers, say, Rawls, seem to have made attempts to rule out those metaphysical components in their theory. In order to avoid dispute of problematic metaphysical commitments, Rawls argues that it is simply unnecessary for political philosophy to involve itself into such controversial topics.

We try, then, to leave aside philosophical controversies whenever possible, and look for ways to avoid philosophy's longstanding problems. Thus, in what I have called "Kantian constructivism," we try to avoid the problem of truth and the controversy between realism and subjectivism about the status of moral and political values. This form of constructivism neither asserts nor denies these doctrines. Rather, it recasts ideas from the tradition of the social contract to achieve a practicable conception of objectivity and justification founded on public agreement in judgment on due reflection. The aim is free agreement reconciliation through public reason. And similarly, as we shall see (in Section V), a conception of the person in a political view, for example, the conception of citizens as free and equal persons, need not involve, so I believe, questions of philosophical psychology or a metaphysical doctrine of the nature of the self. No political view that depends on these deep and unresolved matters can serve as a public conception of justice in a constitutional democratic state. As I have said, we must apply the principle of toleration to

philosophy itself.⁵³

In this passage, Rawls invokes two main reasons why one should avoid the metaphysical arguments. First, no political view necessarily depends on those arguments. Second, his aim is merely to recast the social contract through “Kantian constructivism”, which takes the categorical imperative as a procedure for people in reflecting and in determining the moral principle in the public sphere, especially in a democratic society.⁵⁴ Thus, Rawls thinks that we do not have to deal with the problem of metaphysics, especially when we focus on the problem of social contract. It seems that Rawls has a point here indeed because there is no relationship between metaphysics and political philosophy. Hence, we need not appeal to any metaphysical component in conceiving the theory of social contract.

However, when the context is changed, Rawls’s neat avoidance of metaphysics seems to be not as consistent as he claims. In *A Theory of Justice*, the key problem shifts from political matters to the characterization of men’s nature in his theory of justice. Although Rawls argues that no political point of view depends on metaphysical doctrines, it is surprising that his theory of justice has already involved some metaphysical doctrines. He introduces “the Kantian interpretation” which is based on the notion of autonomy, and under which he regards men as free and equal rational beings.⁵⁵ Rawls professes to attempt to avoid any metaphysical arguments, yet one might ask him why one should construe agents as free and equal in the Kantian sense.

⁵³ Rawls, “Justice as Fairness: Political not Metaphysical”, in Rawls, *Collected Papers*, ed. Samuel Freeman (Cambridge, Massachusetts: Harvard University Press, 2001), p. 395.

⁵⁴ Rawls, *Lectures on the History of Moral Philosophy*, ed. Barbara Herman (Cambridge, Massachusetts: Harvard University Press, 2000), pp. 238-241.

⁵⁵ Rawls, *A Theory of Justice (Rev. ed)*, op. cit., p. 221.

As Kant repeatedly argues, one could consider the agent from either phenomenal or noumenal perspective. If he attributes freedom to a being considered merely as a phenomenal object, then every action of the agent is determined in time, and “one cannot, so far at least, except this being from the law of natural necessity as to all events in its existence and consequently as to its actions as well; for, that would be tantamount to handing it over to blind chance.”⁵⁶ As the antithesis of the Third Antinomy shows, everything must be explained by law of nature, in which freedom would be a null and impossible concept.⁵⁷ If the actions can be reduced to a phenomenal cause, then the actions do not make sense to us because they are only a collection of physical conditions and one finally cannot distinguish “my action” from “your action”.

For Kant, if one attempts to save freedom, one must “*ascribe freedom to the same being as a thing in itself*.”⁵⁸ If one is responsible to her actions, then it should be assumed that she acts freely. Although the categorical imperative, freedom and autonomy cannot be observed since they are not sensible data given to us, they are the necessary grounds in construing and in conceiving the actions and morality. One has to consider morality from the noumenal perspective.⁵⁹ In other words, one should assume that our actions involve some degrees of freedom because one freely chooses the maxim. Thus, freedom and moral law in the transcendental level can be

⁵⁶ *Critique of Practical Reason*, 5: 95.

⁵⁷ *Critique of Practical Reason*, 5: 95.

⁵⁸ *Critique of Practical Reason*, 5: 95.

⁵⁹ The distinction between phenomenon and noumena is not a substantial distinction regarding to two real worlds; it is, rather, a methodological distinction of two perspectives in conceiving the same object. Regarding the discussion on the problem of the noumenal perspective, see Henry Allison, *Kant's Transcendental Idealism (rev. and enl. ed.)* op. cit.; Chong-fuk Lau, “Freedom, Spontaneity and Noumenal Perspective,” in *Kant-Studien* 99 Jahrg., (Berlin: Walter de Gruyter 2008), pp. 312-38.

regarded as “practical postulates” which must be assumed for the possibility of our actions.⁶⁰ In a word, one cannot construe the action agent without freedom and moral law. Thus, Rawls, on the one hand, borrows some significant elements from Kant’s theory of freedom and, on the other hand, attempts to rule out any metaphysical doctrine in those elements. He focuses on recasting the theory of social contract; even so, he should still find it difficult to avoid all metaphysical perspective or dispute.

II. Freedom in public sphere: the distinction between *Wille* and *Willkür*

The primary problem of right in the level of inter-subjectivity is how to guarantee subjectivity of everyone even since people will be easily infringed upon their freedom in the public sphere. For Kant, the problem of right is how to protect freedom of each subject and, simultaneously, to ensure that, in accordance with moral law, the subjects will not infringe upon the freedom of others. The sense of freedom at the level of inter-subjectivity is different from that at the level of subjectivity of individual. The former focuses on whether one can freely choose, whereas the latter on whether one can be self-determining. It seems that, to an extent, they are two kinds of freedom, but in reality they are two sides of the same coin. When one can freely choose, it must be assumed that she can be self-determining. Accordingly, in order to explicate the problem of freedom in the level of inter-subjectivity, Kant in *The Metaphysics of Morals* raises the distinction between *Wille* and *Willkür*.⁶¹

⁶⁰ *Critique of Practical Reason*, 5: 46.

⁶¹ Kant uses the terms *Wille* and *Willkür* to characterize different functions of a same faculty of volition and refers the faculty to *Wille*. Thus, *Wille* has both a broad sense and a narrow sense and it will create some problems for the translator. As Allison mentions, there are two main strategies in the

The faculty of desire in accordance with concepts, insofar as the ground determining it to action lies within itself and not in its object, is called a faculty *to do or to refrain from doing as one pleases*. Insofar as it is joined with one's consciousness of the ability to bring about its object by one's action it is called *choice*; if it is not joined with this consciousness its act is called a *wish*. The faculty of desire whose inner determining ground, hence even what pleases it, lies within the subject's reason is called the will. The will is therefore the faculty of desire considered not so much in relation to action (as choice is) but rather in relation to the ground determining choice to action. The will itself, strictly speaking, has no determining ground; insofar as it can determine choice, it is instead practical reason itself.⁶²

Here Kant plainly defines the meanings of *Wille* and of *Willkür*.⁶³ The former is equivalent to practical reason, or the faculty of legislation, and the latter is the faculty of choice. We should note that Kant does not mean that there are two

standard English translations for dealing with this problem. One is to translate *Wille* as "will" and *Willkür* as "choice"; the other is to translate *Wille* as "will" and *Willkür* as "willw." See Allison, *Kant's Theory of Freedom* (New York: Cambridge University Press, 1990), p.129. However, in order to avoid confusion, I simply follow the German terms.

⁶² *The Metaphysics of Morals*, 6: 213. „Das Begehrungsvermögen nach Begriffen, sofern der Bestimmungsgrund desselben zur Handlung in ihm selbst, nicht in dem Objekte angetroffen wird, heißt ein Vermögen *nach Belieben zu tun oder zu lassen*. Sofern es mit dem Bewußtsein des Vermögens seiner Handlung zur Hervorbringung des Objekts verbunden ist, heißt es *Willkür*; ist es aber damit nicht verbunden, so heißt der Aktus desselben ein *Wunsch*. Das Begehrungsvermögen, dessen innerer Bestimmungsgrund, folglich selbst das Belieben in der Vernunft des Subjekts angetroffen wird, heißt der *Wille*. Der Wille ist also das Begehrungsvermögen, nicht sowohl (wie die Willkür) in Beziehung auf die Handlung, als vielmehr auf den Bestimmungsgrund der Willkür zur Handlung betrachtet, und hat selber vor sich eigentlich keinen Bestimmungsgrund, sondern ist, sofern sie die Willkür bestimmen kann, die praktische Vernunft selbst.“

⁶³ Kant redefines the distinction because using *Wille* and *Willkür* is not coherent in his moral philosophy. For example, in *Groundwork of The Metaphysics of Morals* he characterizes autonomy as "*die Autonomie des Willens*" and heteronomy as "*die Heteronomie des Willens*"; in the second *Critique* he explains the notion of will with three words namely *Wille*, *Willkür* and *Wollen*. And the expression of autonomy is "*die Autonomie des Willens*" and of heteronomy is "*die Heteronomie der Willkür*".

separated faculties of desire; the problem is about, rather, two different functions of the same faculty. In order to show this, Kant expediently divides it into *Wille* and *Willkür* and analyzes their roles in the faculty of desire respectively. As the source of norm, *Wille* prescribes both categorical and hypothetical imperatives to *Willkür*. Construing from their different functions, Kant suggests that *Willkür* is free because it would adopt either categorical or hypothetical imperative as its determining ground. *Wille* is neither free nor unfree since “[*Wille*] is not directed to actions but immediately to giving laws for the maxims of actions.”⁶⁴ And thus, we can describe *Willkür* as being free. “The relationship between maxims and objective practical principles is analogous to the relationship in the theoretical realm between empirical concepts as first-order rules for the unification of the sensible manifold and the pure concepts or categories as second-order rules governing the formation of empirical concepts.”⁶⁵

Furthermore, Kant attempts to define the notion of *Willkür* with pure *Wille*:

That choice which can be determined by *pure reason* is called free choice. That which can be determined only by *inclination* (sensible impulse, *stimulus*) would be animal choice (*arbitrium brutum*). Human choice, however, is a choice that can indeed be *affected* but not *determined* by impulses, and is therefore of itself (apart from an acquired proficiency of reason) not pure but can still be determined to actions by pure will. *Freedom* of choice is this independence

⁶⁴ *The Metaphysics of Morals*, 6: 226. „Von dem Willen gehen die Gesetze aus; von der Willkür die Maximen. Die letztere ist im Menschen eine freie Willkür; der Wille, der auf nichts anderes, als bloss auf Gesetze geht, kann weder frei noch unfrei genannt werden, weil er nicht auf Handlungen, sondern unmittelbar auf die Gesetzgebung für die Maxime der Handlungen (also die praktische Vernunft selbst) geht, daher auch schlechterdings notwendig und selbst keiner Nötigung *fähig* ist. Nur die *Willkür* also kann *frei* genannt werden.“

⁶⁵ Allison, *Kant's Theory of Freedom*, op. cit., p. 88.

from being determined by sensible impulses; this is negative concept of freedom. The positive concept of freedom is that of the ability of pure reason to be of itself practical.⁶⁶

As the passage indicates, *Willkür* would be affected, but not entirely determined, by sensible object. Otherwise, it is animal *Willkür* rather than human *Willkür*. In other words, we should conceive *Willkür* as something that more or less involves freedom. Also Kant repeatedly characterizes *Willkür* with negative and positive senses of freedom and in terms of pure *Wille*, that is, moral law. While it may appear that *Willkür* is equivalent to autonomy, one should note that *Willkür* “consists in spontaneity rather than autonomy.”⁶⁷ This is because, firstly, Kant merely means that it could, but not must, be determined rather than must be determined by pure *Wille* (holy will), and following this, secondly, Kant acknowledges that *Willkür* can act in two directions, that is, in the right use as well as and misuse of freedom.

Going back to the sphere of inter-subjectivity, Kant indicates that the problem of freedom, or of right, is related to external rather than internal actions.⁶⁸ Accordingly, the main notion of freedom in the public sphere is *Willkür* rather than *Wille*, since, from the view of “mine and yours,” we mainly consider whether or not we can freely choose different maxim, and do not lead everyone to purge their motivations.

⁶⁶ *The Metaphysics of Morals*, 6:213-214. „...die *Willkür*, die durch *reine Vernunft* bestimmt werden kann, heisst die freie *Willkür*. Die, welche nur durch *Neigung* (sinnlichen Antrieb, *stimulus*) bestimmbar ist, würde tierisch *Willkür* (*arbitrium brutum*) sein. Die menschliche *Willkür* ist dagegen eine solche, welche durch Antriebe zwar affiziert, aber nicht bestimmt wird, und ist also für sich (ohne erworbene Fertigkeit der Vernunft) nicht rein, kann aber doch zu Handlungen aus reinem Willen bestimmt werden. Die *Freiheit* der *Willkür* ist jene Unabhaengigkeit ihrer Bestimmung furch sinnliche Antriebe; dies ist der negative Begriff derselben. Der positive ist: das Vermögen der reinen Vernunft für sich selbst praktisch zu sein.”

⁶⁷ Allison, *Kant's Theory of Freedom*, op. cit., p. 132.

⁶⁸ *The Metaphysics of Morals*, 6: 231.

Otherwise the sphere of inter-subjectivity will be reduced to the sphere of subjectivity of individual in which the relationship between subjects will be ruled out. This is amount to saying that although there is only one faculty of desire, different senses of freedom will correspond to different levels of subjectivity. Kant, thus, indicates that “the conformity of an action with the law of duty its *legality* (*legalitas*); the conformity of the maxim of an action with a law is the *morality* (*moralitas*).”⁶⁹ In the level of inter-subjectivity, we would merely put others under obligation, and the law will constrain people so that they will not infringe upon the rights of others, instead of requiring others to act in accordance with duty.

According to the notions of *Willkür* in the level of inter-subjectivity, the notion of freedom can be reformulated as:

Freedom (independence from being constrained by another’s choice), insofar as it can coexist with the freedom of every other in accordance with a universal law, is the only original right belonging to every man by virtue of his humanity.⁷⁰

From this new formulation, Kant defines that “any action is right if it can coexist with everyone’s freedom in accordance with a universal law, or if on its maxim the freedom of choice of each can coexist with everyone’s freedom in accordance with a universal law,”⁷¹ and that “*right* is the limitation of the freedom of each to the condition of its harmony with the freedom of everyone insofar as this is possible in

⁶⁹ *The Metaphysics of Morals*, 6: 225.

⁷⁰ *The Metaphysics of Morals*, 6: 237.

⁷¹ *The Metaphysics of Morals*, 6: 230.

accordance with universal law.”⁷²

III. Original Contract and a transcendental principle of public right

Having explained the ground of right in terms of moral law, Kant proceeds to characterize right in light of the notion of contract in order to construct the public right which “is merely the condition of an actual legislation in conformity with [...] a universal law of freedom.”⁷³ Historically speaking, comparing to the monarchy in the medieval era, the notion of contract was no doubt a new perspective in political philosophy. Taking the notion of contract, philosophers attempted to explain the right of people and the authority of government in terms of natural law (*Naturrecht*) or moral law rather than divine right.

Despite this progress of perspective, one may still doubt whether the notion of contract can apply to the problem of the international relationship between states. For many, it seems that the notion can merely apply to the external relation between people in a commonwealth rather than between states. However, for Kant, applying the notion of contract to the international relation is possible. In *Toward perpetual peace—A Philosophical Project*, Preliminary article No 2, “No independently existing state (whether small or large) shall be acquired by another state through inheritance, exchange, purchase or donation”, Kant argues that the state should also participate into the contract:

For a state is not (like the land on which it resides) a belonging (*patrimonium*).

⁷² On the common saying: That may be correct in theory, but it is of no use in practice, 8: 290.

⁷³ On the common saying: That may be correct in theory, but it is of no use in practice, 8: 292.

It is a society of human beings that no one other than itself can command or dispose of. Like a trunk, it has its own roots; and to annex it to another state as a graft is to do away with its existence as a moral person and to make a moral person into a thing, and so to contradict the idea of the Original Contract, apart from which no right over a people can be thought.⁷⁴

Here Kant indicates that we should treat the state as a moral person rather than as goods, and it will contradict the idea of the Original Contract if we take a state as a belonging. Admittedly, this suggestion follows from the third formula of categorical imperative, i.e., *“so act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means.”*⁷⁵ In the public sphere, there must be some common affairs in which many subjects are involved. Since everyone is a moral subject, unless one is authorized by others, one cannot arbitrarily order another to do or not to do. To do justice to common affairs, it is important to see to it that one subject should not infringe upon the right of another and that a government or organization be authorized to represent the people to implement measures in public. In other words, as long as there are common affairs, no matter whether they involve people or states, we can conceive the external relation in light of the notion of contract.

Nevertheless, the notion of the Original Contract will raise another problem no matter whether it happens in history or not. Many philosophers, e.g. Hobbes, Rousseau and Locke, introduce the notion of social contract largely to solve the problem of right. In their theories, the notion of social contract is characterized as a

⁷⁴ *Toward Perpetual Peace: A Philosophical Project*, 8: 344.

⁷⁵ *Groundwork of the Metaphysics of Morals*, 4: 429.

situation where everyone in the original position is free and equal. In the same society, people inexplicitly sign a contract, surrendering some of their own rights to the government. Hence, in the public sphere, every rational agent is bound by rules of the contract and the government has the power to execute measures. The problem of such a theory, however, is that these philosophers usually characterize such origin of contract as if it had happened in history. This alone could lead to a host of problems. One of the problems is this: if it had never happened in the past, why should one accept the theory of social contract? For those who adopt the notion of social contract as the starting point of their theory, they should respond to a counter-question, namely, what the ground of validity of the contract is, if it is not even a historical fact.

Kant also notices this serious problem and offers such an explanation:

Now this is an *Original Contract*, on which alone a civil and hence thoroughly rightful constitution among human beings can be based and a commonwealth established. But it is by no means necessary that this contract [...] be presupposed as a *fact* [...] It is instead *only an idea* of reason, which however, has its undoubted practical reality, namely to bind every legislator to give his laws in such a way that they *could* have arisen from the united will of a whole people and to regard each subject, insofar as he wants to be a citizen, as if he has joined in voting for such a will. For this is the touchstone of any public law's conformity with right.⁷⁶

As he argues here, advancing the idea of contract is for explaining the external

⁷⁶ On the common saying: That may be correct in theory, but it is of no use in practice, 8: 297.

relation among subjects. Kant explicitly indicates that the notion of “Original Contract,” which means that “the basic law...can arise only from the general (united) will of the people,”⁷⁷ is merely an idea of reason rather than a historical fact, and this very rational idea itself constitutes the foundation of all public right. The function of Original Contract shows that we behave socially and politically *as if* we have signed a contract by which we merely obey to our own reason rather than to any authority, and by which we constrain ourselves voluntarily.

Moreover, Kant discusses what rightful principles of the Original Contract are. Following from moral law and *Willkür*, he outlines three rightful conditions of the Original Contract as follow:

1. **Mutual freedom for happiness:** As Kant declares in the second *Critique*, “all material practical principle as such are, without exception, of one and the same kind and come under the general principle of self-love or one’s own happiness.”⁷⁸ Since everyone can have a different understanding of what a happy life should be, “no one can coerce me to be happy in his way (as he thinks of the welfare of other human beings); instead, each may seek his happiness in the way that seems good to him, provided he does not infringe upon that freedom of others to strive for a like end which can coexist with the freedom of everyone in accordance with a possible universal law (i.e., does not infringe upon this right of another).⁷⁹ Abstracting all empirical contents from all subjects, the first rightful condition is that “The *freedom* of every

⁷⁷ On the common saying: That may be correct in theory, but it is of no use in practice, 8: 295.

⁷⁸ Critique of Practical Reason, 5: 22.

⁷⁹ On the common saying: That may be correct in theory, but it is of no use in practice, 8: 291.

member of the society as a human being.”⁸⁰ It is permissible for one to search her happiness given that she does not infringe upon the right of others.

2. **Social equality:** Consider the position of everyone in the community. The second rightful condition following from the first condition is: “His *equality* with every other as a *subject*.”⁸¹ Kant notes that people might have different talents, riches and hereditary prerogatives. In one word, those inequalities between people are yielded by luck. However, in terms of the view of right as “mine and yours” and the categorical imperative, which entails equality, we underlie the right which merely focuses on the legislative form rather than the matter of the object. Otherwise, if the notion of right is grounded on luck, we no doubt infringe upon others’ right. Hence, on the one hand, “each member of a commonwealth has coercive rights against every other,”⁸² on the other hand, “every member of a commonwealth must be allowed to attain any level of rank within it (that can belong to a subject) to which his talent, his industry and his luck can take him; and his fellow subjects may not stand in his way by means of a *hereditary* prerogative (privileges [reserved] for a certain rank), so as to keep him and his descendants forever beneath the rank.”⁸³
3. **Independence of citizen:** The third condition is: “The *independence* of a member of a state as a *citizen*.”⁸⁴ Protecting everyone’s freedom and equality should be done in accordance of laws. “All right,” Kant points out, “that is to

⁸⁰ On the common saying: That may be correct in theory, but it is of no use in practice, 8: 290.

⁸¹ On the common saying: That may be correct in theory, but it is of no use in practice, 8: 290.

⁸² On the common saying: That may be correct in theory, but it is of no use in practice, 8: 291.

⁸³ On the common saying: That may be correct in theory, but it is of no use in practice, 8: 292.

⁸⁴ On the common saying: That may be correct in theory, but it is of no use in practice, 8: 290.

say, depends upon laws.”⁸⁵ But who establish the laws? The laws are not established by the governor of state, but by all citizens as colegislators.⁸⁶ “A public law that determines for everyone what is to be rightfully permitted or forbidden him is the act of public will, from which all right proceeds and which must therefore itself be incapable of doing wrong to anyone.”⁸⁷ As defined here, we can say that public law is endorsed by citizens who sign the Original Contract.

Admittedly, when Kant singles out these three rules, he does not take empirical contents into accounts. As he repeatedly argues, as the grounds of the Original Contract, these principles are legislated by pure reason and have no regard for any empirical ends, “since people differ in their thinking about happiness and how each would have it constituted, their wills with respect to it cannot be brought under common principle and so under any external law harmonizing with everyone’s freedom.”⁸⁸ In other words, the validity of the notion of social contract is based on practical reason rather than empirical facts.

For Kant, the introduction of the notion of Original Contract is not only to elucidate the grounds of civil state, but also to appraise whether or not the public law, political system as well as international organization are established in just. “Had it first been asked what is laid down as right (where principles stand firm a priori and no empiricist can bungle them), then the idea of the social contract would remain in its incontestable authority, not however as a fact [...] but only as a rational principle

⁸⁵ *On the common saying: That may be correct in theory, but it is of no use in practice*, 8: 294.

⁸⁶ *On the common saying: That may be correct in theory, but it is of no use in practice*, 8: 294.

⁸⁷ *On the common saying: That may be correct in theory, but it is of no use in practice*, 8: 294.

⁸⁸ *On the common saying: That may be correct in theory, but it is of no use in practice*, 8: 290.

for appraising any public rightful constitution.”⁸⁹ He provides the following useful example:

Now the legislator can indeed err in his appraisal of whether those measures are *adopted prudently*, but not when he asks himself whether the law also harmonizes with the principle of right; for there he has that idea of the Original Contract at hand as an infallible standard, and indeed has it a priori (and need not, as with the principle of happiness, wait for experience that would first have to teach him whether his means are suitable).⁹⁰

The idea of Original Contract is not derived from experience, nor the notion of happiness. Kant here obviously indicates that the idea of Original Contract, or the principle of right, legislates *a priori*. It is not only an idea, but also a rational principle for judging the relationship between people as well as between states.

Although inner right is “mine and yours,” there are some people or states that may abuse this right by making some secret agreements between them only. These agreements would likely relate to ways of infringing upon other’s rights and interests, and cause people or states to be suspicious of one another. More than often, such secret agreements are detrimental or at least unfair to other people and states. This state of mistrust easily leads to warfare.⁹¹ In order to remove such mistrust and prevent injustice, Kant advances another condition to bound maxims of people and of states. Abstracting from everything empirical that the concept of the right of a

⁸⁹ *On the common saying: That may be correct in theory, but it is of no use in practice*, 8: 302.

⁹⁰ *On the common saying: That may be correct in theory, but it is of no use in practice*, 8: 299.

⁹¹ For Kant, the mistrust is the main cause of war. I shall discuss this in chapter 3.

state or the right of nations contains,⁹² and in accordance with the principle of right and the idea of Original Contract, Kant presents us with the essential condition that is missed in the earlier situation— the form of publicity (*Publizität*). The notion of publicity is an *a priori* condition which involves in every claim to right, “since without it there would be no justice (which can be thought only as *publicly known*) and so too no right, which is conferred only by justice.”⁹³

Hence, in virtue of the form of publicity, Kant casts a new transcendental principle of public right:

All actions relating to the rights of others are wrong if their maxim is incompatible with publicity.⁹⁴

All maxims which *need* publicity (in order not to fail in their end) harmonize with right and politics combined.⁹⁵

The former is negative and the latter positive. The focal point of these two principles is whether or not our maxims are compatible with others’ maxims in the public sphere in accordance with the view of “mine and yours”. As discussed above, according to the moral law and the reformulation of freedom, this new transcendental principle, which is the ground of the possibility of sense of justice, is no doubt a reformulation of moral law and a new expression of the *Willkür* in the level of inter-subjectivity. Therefore, this transcendental principle at the level of

⁹² *Toward Perpetual Peace: A Philosophical Project*, 8: 381.

⁹³ *Toward Perpetual Peace: A Philosophical Project*, 8: 381.

⁹⁴ *Toward Perpetual Peace: A Philosophical Project*, 8: 381.

⁹⁵ *Toward Perpetual Peace: A Philosophical Project*, 8: 386.

inter-subjectivity is a new constitutive principle which, as Kant terms, constitutes its object, namely, a rightful social and law system. Also we can say that our sense of justice is derived from the transcendental principle of public right.

The preceding discussions try to reveal how Kant construes the notions of freedom as well as *Willkür* in light of moral law, and how he recasts the moral law to the new transcendental principle of public right. We search and constitute perpetual peace in accordance with the principle of public right. In other words, this principle is the ground of perpetual peace. However, in view of the fact that in history the process of perpetual peace seem to have been always in regression, one may ask what condition can guarantee that we will search perpetual peace permanently. In the next chapter, I shall examine how Kant tackles this difficult problem.

2. Nature's guarantee of perpetual peace and the notion of purposiveness

After discussing the three definitive articles,⁹⁶ Kant attaches the two supplements to the project of perpetual peace. Of this two supplements, more confusing is the first, named “the guarantee of perpetual peace,” in which he introduces the notion of purposiveness (*Zweckmäßigkeit*). Kant only spends a little space in articulating the meaning of the notion. A misunderstanding of this peculiar arrangement is that Kant argues purposiveness as the guarantee, yet he construes war as a preliminary work, which seems to be that Kant adheres to war. This perplexing supplement, of course, raises an objection. Human beings should strive for perpetual peace by themselves and do not need any purposiveness, construed as God's will or intelligent design in general, which is redundant in theory of perpetual peace.

Admittedly, this objection raises a problem posed in the third *Critique*. Kant terms the problem as an “incalculable gulf” (*unübersehbare Kluft*), which is “fixed between the domain of the concept of nature, as the sensible, and the domain of the concept of freedom, as the supersensible, so that from the former to the latter (thus by means of the theoretical use of reason) no transition is possible.”⁹⁷ For Kant, this can be a problem because, in accordance with the laws of freedom, morality entails actualization the end, i.e., the highest good, in the sensible world. In other words, the end at least can be conceived to be realized in nature.⁹⁸ Thus, Kant introduces a

⁹⁶ The three definitive articles will be discussed in chapter 3.

⁹⁷ *Critique of the Power of Judgment*, 5: 176.

⁹⁸ *Critique of the Power of Judgment*, 5: 176.

mediating concept, the notion of purposiveness, which makes possible the transition from the concept of nature to the concept of freedom.⁹⁹

The objection obviously neglects the discussion in the third *Critique*, especially the notion of purposiveness. In this chapter, I shall attempt to spell out its function in the theory of perpetual peace. This chapter is divided into three parts. The first considers how nature constitutes the guarantee of perpetual peace. The second examines a criticism put forward by Martha C. Nussbaum. The third scrutinizes the reasons why Kant introduces the notion of purposiveness into his theory of perpetual peace.

I. The preliminary argument of the guarantee: war as a means of nature

At the beginning of the supplement, Kant suggests “this *guarantee* (*Gewähr*) (surety) is nothing less than the great artist *nature* (*Künstlerin Natur*) (*natura daedala rerum*).”¹⁰⁰ One can call it either fate, considered as mechanical course purposiveness, or providence, profound wisdom of a higher cause to the objective final end of the human race. Kant deliberately takes the latter for the concept of purposiveness. However, since here he proceeds to deal with the problem solely in theoretic, but not of religious, perspective, he suggests the word “nature” instead of “providence.” He then divides the argument into two parts, i.e., “preliminary work of nature for peoples” and “a method of nature”.

⁹⁹ *Critique of the Power of Judgment*, 5: 195-6.

¹⁰⁰ *Toward Perpetual Peace—A Philosophical Project*, 8: 360. “The great artist of nature” plainly involves the notion of technique of nature and I shall discuss it later.

In general, Kant regards human race as a class of animal and depicts preparatory arrangements of nature in three aspects: First, Peoples are able to live in all regions of the earth, even in barren climes in terms of genera;¹⁰¹ Second, Nature has separated peoples into every part of the world by means of war, and has ensured that they are inhabited even in the most inhospitable places; Third, She also has forced human beings to adopt some form of legal order in some degrees by war.¹⁰² Obviously, Kant here focuses on the function of war and further indicates a point that the first instrument of war is connected with the domestication of horses as well as peoples' development of agriculture and commerce. In other words, he links the development of culture with wars. Furthermore, some peculiarly, he understands war as something noble, to which humans are motivated by honor rather than self-seeking motives. Historically speaking, although wars arose from different causes, e.g. contending for resources, expanding domains and self-seeking, honor, especially national honor, is no doubt one of the most important causes since war were often begun merely for showing off courage. Hence, it seems that war has an inner dignity in itself.¹⁰³

As a Latin adage said, "If you wish for peace, prepare for war (*Si vis pacem, para bellum*)."

Kant, however, merely construes that war was the means of nature for separating peoples. As in the preliminary articles for perpetual peace in Section 1, he explicitly suggests that "Standing armies (*miles perpetuus*) shall in time be abolished

¹⁰¹ For example, the moss which grows in the frozen wastes of the Arctic can be nourishment for reindeer and reindeer also can be nourishment for Samoyeds. See *Toward Perpetual Peace—A Philosophical Project*, 8:363. This explanation, with Kant own terms in the third *Critique*, explicitly involves a notion of external purposiveness that one thing in nature serves another as the means to an end. I shall discuss this later.

¹⁰² *Toward Perpetual Peace—A Philosophical Project*, 8: 363.

¹⁰³ *Toward Perpetual Peace—A Philosophical Project*, 8: 365.

altogether.”¹⁰⁴ While war is caused by human honor and seems to be worthy to seek, he at the end of this segment cites the Greek’s admonition that “war is bad in that it makes more evil people than it takes away.”¹⁰⁵ Kant, thus, is in fact plainly against war.

All of these, to the last analysis, are propaedeutic to Kant’s main consideration, that is, nature’s contribution to human being’s moral end, especially public right. He indicates that nature wills something to happen whether the human being likes it or not. His point is clear that “nature comes to the aid of the general will grounded in reason, revered but impotent in practice.”¹⁰⁶ In other words, nature forces peoples themselves into rule of law through the mechanism of human beings, that is, self-seeking inclinations by which Kant asserts that the human being will develop commerce.¹⁰⁷ Undoubtedly, a peaceful environment is a necessary condition for developing commerce. War and commerce are incompatible by nature. As a result, people will establish the republican state since it has low possibility to declare war.¹⁰⁸ Even though many difficulties are in the process of establishing the republican state, the state will finally appear in according to nature’s means. As Kant optimistically claims, “the problem of establishing a state, no matter how hard it may sound, is *soluble* even for a nation of devils (if only they have understanding).”¹⁰⁹

Kant’s argument appears to be that nature has its own substantial will which conducts the operation of the natural and humanistic world. Nevertheless, one

¹⁰⁴ *Toward Perpetual Peace—A Philosophical Project*, 8: 345.

¹⁰⁵ *Toward Perpetual Peace—A Philosophical Project*, 8: 365.

¹⁰⁶ *Toward Perpetual Peace—A Philosophical Project*, 8: 366.

¹⁰⁷ *Toward Perpetual Peace—A Philosophical Project*, 8: 368.

¹⁰⁸ The merit of the republican state and the development of commerce will be discussed in chapter

3.

¹⁰⁹ *Toward Perpetual Peace—A Philosophical Project*, 8: 366.

should keep in mind that Kant always characterizes the notion of nature's will or purposiveness in the subjunctive mood in the supplement, namely, with the famous Kantian phrase "as if" (*als ob*).¹¹⁰ This expression can often be transposed into "if...would" structures.¹¹¹ In other words, the notion of purposiveness should not be construed as the substantial will; or rather, as Kant suggests, we may analogize nature to a designed product in light of the notion of purposiveness.

II. The objection against the guarantee

Although one recognizes the function of war and the will of nature, it remains a problem why one should after all appeal to this concept in search for the guarantee of perpetual peace. Naively or not, it seems that perpetual peace will somehow appear in the world automatically. Should not we endeavor for perpetual peace by means of practical reason? In a recent research, Martha C. Nussbaum directly disagrees with Kant's argument of the guarantee of perpetual peace.

Nussbaum's argument is rather acute and systematic. First of all, she believes that Kant is deeply affected by Titus Lucretius Carus, a Roman philosopher (99 BCE-55 BCE), because he characterizes nature with a Latin phrase, *natura daedala rerum*, which comes from Lucretius's *De Rerum Natura*.¹¹² Nevertheless, it seems doubtful as to whether he introduces a teleological point of view which is against

¹¹⁰ Such as: "...the sandy wastes contain salt for the camel, which seems *as if* created for travelling in them..." (8: 363); "...states find themselves compelled...to promote honorable peace and, whenever war threatens to break out anywhere in the world, to prevent it by mediation, just *as if* they were in a permanent league for this purpose." *Toward Perpetual Peace—A Philosophical Project*, 8: 363; 368.

¹¹¹ Kwan, "Kant's Possible Contribution to Natural Law Debates," pp. 213-4.

¹¹² Martha C. Nussbaum, "Kant and Cosmopolitanism", in, *Perpetual Peace: Essays on Kant's Cosmopolitan Idea*, eds. James Bohman and Matthias Lutz-Bachmann (Cambridge, Mass.: MIT Press, 1997), p. 41.

Lucretius's anti-teleological one. Comparing their views, Nussbaum finds that, while Lucretius understands war as disordered and nonprovidential, Kant construes it as a part of nature's providential design. She thus asserts that "Kant follows closely the course of Lucretius's actual argument denying providential design in nature, but simply asserts the contradictory at every point"¹¹³

Further, she expresses deep skepticism of the role of purposiveness in the theory of perpetual peace:

Do we need to follow Kant in alluding to providence as at least a practical postulate, a reasonable hope, if we wish either to be cosmopolitans or to persuade others that they should define themselves in accordance with cosmopolitan aims and aspirations? I believe we do not. Humanity can claim our respect just as powerfully whether we think the universe is intrinsically well ordered or whether, with Lucretius, we think that things look pretty random and unprovidential. However humanity emerged, whether by design or by chance, it is what it is and it compels respect. In a sense there is a special dignity and freedom in the choice to constitute our community as universal and moral in the face of a disorderly and unfriendly universe, for then we are not following anyone else's imperatives but our very own.¹¹⁴

Nussbaum thus suggests that certain core concepts of Kant's moral philosophy, such as categorical imperative, moral law, freedom and so further, can be separated from this sort of wishful thinking. In other words, there is no relationship between moral

¹¹³ Martha C. Nussbaum, "Kant and Cosmopolitanism", op. cit., p. 41.

¹¹⁴ Martha C. Nussbaum, "Kant and Cosmopolitanism", op. cit., p. 43.

theory and purposiveness with regard to the issue of perpetual peace. As a result, she maintains that one does not need to appeal to the hope of Providence, and that one should merely focus on the moral core of Kant's moral philosophy. In addition, the guarantee undermines the moral duty because everything, including the human being, is entirely determined by nature which is independent of all effort of human beings. In other words, this guarantee is incompatible with moral duty.

Regarding Kant's locution, Nussbaum's argument seems tacitly to assume that if someone invokes a phrase from a classical text, then the meaning of the very phrase would be literally equivalent to its precedent in that classical text. In many cases, such an assumption is of course right, but in the present context, it is not. Even though Kant is affected by Lucretius and they use the same expression, it does not mean that Kant is Lucretius's strict adherent.

Nussbaum's criticism of the role of purposiveness seems to have a point indeed. Kant's argument of the guarantee of perpetual peace seems to be a perplexity. As we discussed in chapter 1, the problem of perpetual peace involves the notion of public right and the view of right as "mine and yours." One thus should approach the issue by means of practical reason rather than purposiveness. Also, as Nussbaum indicates, we need not consider whether the world is intrinsically well ordered if we only want to define ourselves according to cosmopolitan aims, which involve practical reason rather than purposiveness. Hence, for Nussbaum, the notion of purposiveness in the theory of perpetual peace is redundant.

Kant is no doubt in agreement with the notion that we should legislate in order to protect public right through practical reason. Nussbaum nevertheless neglects

Kant's discussion of the function of the purposiveness in the third *Critique*. In his works of moral philosophy, Kant of course never intends to use purposiveness for constructing public right.

To begin with an anti-argument against Nussbaum, one has to make clear with regard to the sense of guarantee. Considering the sense of the guarantee carefully, it has two grounds and only one of them involves teleology. The first is that the problem of building up a republican state must be solved because it is not a matter of moral improvement but of technical rationality, that is, the power of money.¹¹⁵ That is why Kant optimistically believes that the problem, even for that nation of devils with intelligence, can be solved. Even though the problem can be solved, the process of solving may be suspended. Hence, Kant introduces the second ground, the teleological one, that nature will permanently compel human beings to tackle the problem, which includes arranging the conflict of their unpeaceable dispositions with constraining one another.¹¹⁶ In other words, nature, as it holds a torch to us, treats human being *as if* it will compel us to attain perpetual peace if we endeavor through practical reason under the guidance of the notion of right. Kant's argument is clear that nature does not rule out moral duty, i.e., nature is merely independent of moral endeavor rather than of all human endeavor. Thus, the guarantee and moral duty are compatible.

After spelling out the function of the purposiveness in perpetual peace, it still remains the question why Kant introduces the notion of purposiveness. In what follows, I shall try to trace the question back to the third *Critique* and other relevant

¹¹⁵ *Toward Perpetual Peace—A Philosophical Project*, 8: 368.

¹¹⁶ *Toward Perpetual Peace—A Philosophical Project*, 8: 366.

essays by Kant.

III. The technique of nature, purposiveness and the final end

According to the third *Critique*, the meaning of purposiveness is the “lawfulness of the contingent as such.”¹¹⁷ This lawfulness of the contingent involves a very important notion of Kant’s Critical philosophy, namely reflective judgment. A few words are in order for this regulative judgment.

In the first *Critique*, Kant characterizes the regulative principle as “a principle of reason which, as a rule, postulates what should be effected by us in the regress, but does not anticipate what is given in itself in the object prior to any regress.”¹¹⁸ Clearly, the regulative principle, which merely applies to phenomenon rather than object in itself, is an operative postulate if we take an exercise of regression on empirical objects. In other words, this “is not a principle of the possibility of experience and of the empirical cognition of objects of sense ... [but] a principle of the greatest possible continuation and extension of experience.”¹¹⁹

Kant further elucidates the function of the regulative principle in the third *Critique*. In order to show the nature of the principle, I cite two paragraphs from two versions of the introduction to the third *Critique*. In the First Introduction, he argues that:

The power of judgment can be regarded either as a mere faculty for *reflecting*

¹¹⁷ “First Introduction”, 20: 217.

¹¹⁸ *Critique of Pure Reason*, A509/B537.

¹¹⁹ *Critique of Pure Reason*, A509/B537.

on a given representation, in accordance with a certain principle, for the sake of a concept that is thereby made possible, or as a faculty for *determining* an underlying concept through a given *empirical* representation. In the first case it is the *reflecting*, in the second case the *determining power of judgment*.¹²⁰

And in the Second Introduction:

If the universal (the rule, the principle, the law) is given, then the power of judgment, which subsumes the particular under it (even when, as a transcendental power of judgment, it provides the conditions *a priori* in accordance with which alone anything can be subsumed under that universal), is *determining*. If, however, only the particular is given, for which the universal is to be found, then the power of judgment is merely *reflecting*.¹²¹

Kant compares the two kinds of power of judgment, i.e., determinative and reflective judgments. The determinative judgment refers to the issue either that sensible data is constituted through categories or practical laws determinate the maxim of will to yield good or evil. This is to say that the determinative judgment subsumes the particular under given universals. As Kant famously discussed in the first two *Critiques*, the power of judgment, guided either by categories or by freedom, can constitute two kinds of object, i.e., theoretical and practical. By contrast, the reflective judgment represents a regression from the empirical objects, in searching for universals. In other words, if the power of judgment is independent of categories and freedom, it will give itself a principle *a priori*, that is, the notion of purposiveness

¹²⁰ "First Introduction", 20: 211.

¹²¹ *Critique of the Power of Judgment*, 5: 179.

of nature. This judgment can tackle experience which is neither theoretical nor practical, such as beautiful, sublime, religious sentiment, hope and all that.

However, it is still puzzling as to how the reflective judgment applies to our experience? A crucial point is that reason tends to cognize experience or nature as a system and as a unity, rather than disjointed aggregate in accordance with empirical laws. Kant indicates that:

Although experience constitutes a system in accordance with *transcendental laws*, which contain the condition of the possibility of experience in general, there is still possible such an *infinite multiplicity* of empirical laws and such a great *heterogeneity of forms* of nature, which would belong to particular experience, that the concept of a system in accordance with these (empirical) laws must be entirely alien to the understanding, and neither the possibility, let alone the necessity, of such a whole can be conceived. Nevertheless particular experience, thoroughly interconnected in accordance with constant principles, also requires this systematic interconnection of empirical laws, whereby it becomes possible for the power of judgment to subsume the particular under the general, however empirical it may be, and so on, right up to the highest empirical laws and the forms of nature corresponding to them, and thus to regard the *aggregate* of particular experiences as a *system* of them.¹²²

Transcendental laws refer to categories that only focus on the form of object rather than its empirical content. These laws, however, cannot deal with the problem of

¹²² "First Introduction", 20: 203.

diversity of empirical objects. Kant in this cited passage argues that the “systematic interconnection of empirical laws” cannot be obtained without the notion of purposiveness, according to which particulars are connected with each other as the system. It seems that reason intends to synthesize all objects as a system not only in the transcendental level but also in the empirical level. One should note Kant’s characterizing of this interconnection as “lawlike”.¹²³ In the footnote, Kant indicates that the notion of purposiveness is not merely mechanical but also technical. The notion “yields subjective principles that serve as a guideline for investigation of nature.”¹²⁴ It is technical in that we conceive nature as the system in light of the notion of “the technique of nature (*Technik der Natur*)”.¹²⁵ This important conception analogizes nature with art, and treats nature *as if* deliberately designed. It seems to be easier in discussing the notion of guideline than of the technique of nature and I shall investigate the notion of guideline first.

The function of guideline shows that we construe nature with the guidance of the notion of purposiveness. One should keep in mind that the function of reflective judgment is to find universal from given particulars. As Kant suggests, this search for universals is either for classifying particulars in terms of species and genera or for finding empirical laws in terms of which the behavior of particulars can be explained.¹²⁶ As Hannah Ginsborg observes, these two types of universal, namely, the hierarchical orders in terms of species and genera and the systematic organization of empirical laws, are closely connected with the notion of

¹²³ “First Introduction”, 20: 203.

¹²⁴ “First Introduction”, 20: 204.

¹²⁵ “First Introduction”, 20: 204.

¹²⁶ “First Introduction”, 20: 214; 234.

purposiveness.¹²⁷ In other words, one should at least assume that these particulars are connected in some degrees as a system when we intend to distinguish them systematically. Also, analyzing reflective judgment from another aspect is that the judgment is “to compare and to hold together given representations either with others or with one’s faculty of cognition, in relation to a concept thereby made possible.”¹²⁸

Thus, the function of reflective judgment can be characterized in two senses. On the one hand, it is to search universals from given particulars and, on the other hand, it is to compare and to hold together given particulars. Considering these two senses together, one can easily recognize that this kind of judgment is similar to inductive inference. In light of this point of view, I shall investigate Kant’s doctrine of inductive argument in the *Jäsche Logic* so as to clarify the meaning of reflective judgment for Kant.¹²⁹

Kant treats inductive argument as a mode of reflection,¹³⁰ and suggests that there are two species of such a mode of inference, namely, induction and analogy. The former infers from the particular to the universal according to the “principle of universalization”: “What belongs to many things of a genus belongs to the remaining ones too.”¹³¹ The latter infers from a similarity of two things with a particular attribution to a total similarity according to the “principle of specification”: “Things of one genus, which we know to agree in much, also agree in what remains, with

¹²⁷ Hannah Ginsborg, *The Role of Taste in Kant’s Theory of Cognition* (New York and London: Garland Publishing Company, 1990), p. 190.

¹²⁸ “First Introduction”, 20: 211.

¹²⁹ The *Jäsche Logic* is Kant’s lecture notes which publication is permitted by him. These notes represent Kant’s mature opinion on Logic.

¹³⁰ The *Jäsche Logic*, 9: 132.

¹³¹ The *Jäsche Logic*, 9: 133.

which we are familiar in some things of this genus but which we do not perceive in others.”¹³² And these principles govern the inferences of reflective judgment, namely, “that the many will not agree in one without a common ground, but rather that which belongs to the many in this way will be necessary due to a common ground.”¹³³

These principles can be restated, in contemporary language, that “they are the vehicles through which predicates are ‘projected’, either from some instances of x to all x’s (induction), or of a given x on the basis of other predicates already known to pertain to that x (analogy).”¹³⁴ These two kinds of inference conform to two senses of reflective judgment indicated above. To claim “that the many will not agree in one without a common ground” means that empirical regularities are not entirely contingent but shows fundamental order of nature. This common ground obviously contains the notion of purposiveness. Classifying empirical objects into hierarchical order in light of genera and species is no doubt significant in our experience. Food chain, as a general concept in empirical science, is a typical example for unfolding the hierarchical order. We compare properties of organisms and classify them into a concept which is itself genera with same property. Then we classify those concepts into other concepts in a higher level as genera, such as the plant, the herbivore, the carnivore and the omnivorous animal, and finally they constitute the hierarchical order in which there are certain relationship between lower species and higher genera. Consequently, every concept is itself both genus and species through the notion of purposiveness.

¹³² The *Jäsche Logic*, 9: 133.

¹³³ The *Jäsche Logic*, 9: 132.

¹³⁴ Henry Allison, *Kant’s Theory of Taste: A Reading of the Critique of Aesthetic Judgment* (New York: Cambridge University Press, 2001), p. 35.

Taking transcendental philosophy holistically, one easily sees that there is another important reason why Kant in his third *Critique* appeals to the notion of purposiveness. That is, purposiveness helps to deal with a problem that, as indicated before, is the “incalculable gulf”. It is instructive to consider this problem in relation to epistemological problem of systematization. Kant points out that:

For the multiplicity and diversity of empirical laws could be so great that it might be possible for us to connect perceptions to some extent in accordance with particular laws discovered on various occasions into one experience, but never to bring these empirical laws themselves to the unity of kinship under a common principle, if, namely, as is quite possible in itself (at least as far as the understanding can make out *a priori*), the multiplicity and diversity of these laws, along with the natural forms corresponding to them, being infinitely great, were to present to us a raw chaotic aggregate and not the least trace of a system, even though we must presuppose such a system in accordance with transcendental laws.¹³⁵

This chaotic scenario is similar to a scenario posed in the first *Critique*. The problem of chaotic disorder indeed involves at two levels which, as Allison names, are “transcendental chaos” and “empirical chaos”.¹³⁶ The “transcendental chaos” locates in the “Transcendental Deduction” in the first *Critique*. Besides dealing with a problem of objective validity of the categories, which “yield conditions of the

¹³⁵ “First Introduction”, 20: 209.

¹³⁶ Allison, *Kant’s Theory of Taste: A Reading of the Critique of Aesthetic Judgment*, op. cit., p. 38.

possibility of all cognition of objects”,¹³⁷ the Deduction also attempts to tackle a problem of disorder at the transcendental level. This is because “appearances could after all be so constituted that the understanding could not find them in accord with the conditions of its unity”.¹³⁸ Hence, Kant attempts to show that the possibility of the object simultaneously must be subject to the conditions of the transcendental unity of apperception, namely, categories of understanding.

On the contrary, the “empirical chaos” cannot be solved by categories since they are merely the constitutive form of the object instead of being concerned with particular as such. Categories after all do not translate its function into empirical level. In short, categories cannot support inductive inference. Therefore, operations of classification and of induction with particulars are impossible unless we presuppose nature as the system with sufficient uniformity. Eventually, these operations entail a distinct transcendental principle, namely, the notion of purposiveness for unifying at the empirical level.¹³⁹

Following the understanding of the function of guideline, we can go back to the notion of technique of nature. As is discussed above, operations of classification and of induction with particulars must assume nature as “systematic interconnection”. From this point of view, Kant analogizes nature *as if* it is a profoundly designed product. And that is the notion of technique of nature. He mentions that it “only grounds a maxim for the power of judgment”.¹⁴⁰ In other words, the reflecting power of judgment construes nature in light of the notion. “Thus the power of

¹³⁷ *Critique of Pure Reason*, A89-90/B122.

¹³⁸ *Critique of Pure Reason*, A90/B123.

¹³⁹ Henry Allison, *Kant's Theory of Taste: A Reading of the Critique of Aesthetic Judgment*, op. cit., p.

38.

¹⁴⁰ “First Introduction”, 20: 205.

judgment itself makes the *technique of nature* into the principle of its reflection *a priori*, without however being able to explain this or determine it more precisely or having for this end an objective determining ground for the general concepts of nature (from a cognition of things in themselves), but only in order to be able to reflect in accordance with its own subjective law, in accordance with its need, but at the same time in accord with laws of nature in general.”¹⁴¹

The notion of technique of nature can be related to the principle of the reflecting power of judgment. Comparing with the determining power of judgment, although the notion of the technique of nature is principle *a priori*, it is entirely different from another two constitutive principles, namely categories and freedom. Kant names both constitutive principles as “nomothetic” (*Nomothetik*).¹⁴² And he explicitly indicates the following with regard to what the essence of legislation of the reflecting power of judgment is:

Strictly speaking, one must call this legislation *heautonomy* (*Heavtonomie*), since the power of judgment does not give the law to nature nor to freedom, but solely to itself, and it is not a faculty for producing concepts of objects, but only for comparing present cases to others that have been given to it and thereby indicating the subjective conditions of the possibility of this combination *a priori*.¹⁴³

In the cited passage Kant injects a new word “heautonomy” to explain such legislation. Comparing with both determining and reflecting power of judgments,

¹⁴¹ “First Introduction”, 20: 214.

¹⁴² “First Introduction”, 20: 215.

¹⁴³ “First Introduction”, 20: 225.

they involve spontaneity of subject, but in different levels. The former legislates to nature and to freedom, that is, nomothetic of nature and of freedom, whereas the latter merely legislates to subject's own reflection. In other words, the former is objectively valid and the latter is subjectively valid.

One can further consider two procedures of the power of judgment: the Schematism (*Schematismus*) and the symbolic (*symbolisch*),¹⁴⁴ or technicism of nature (*Technicism der Natur*).¹⁴⁵ The former is a "faculty of subsuming under rules"¹⁴⁶ which refers to the categories. The Schematism shows how the understanding combines itself with intuition and conducts intuition to arrange given manifolds. On the contrary, the latter is also a procedure but it proceeds merely by means of analogy. The symbolic procedure consists of "first applying the concept to the object of a sensible intuition, and then, second, applying the mere rule of reflection on that intuition to an entirely different object, of which the first is only the symbol."¹⁴⁷ In other words, this procedure itself indicates that the form of reflection yields indirect presentations of the concept. "The reflecting power of judgment," as Kant explicitly points out, "proceeds with given appearances ... not schematically, but technically, not as it were merely mechanically, like an instrument, but artistically."¹⁴⁸ Accordingly, one can figure out that the symbolism or technicism is merely a procedure of analogizing, which guides us to analogize given objects as profoundly designed.

From the historical viewpoint, Kant's teleology argument seems to be another

¹⁴⁴ *Critique of the Power of Judgment*, 5: 351.

¹⁴⁵ *Critique of the Power of Judgment*, 5: 413.

¹⁴⁶ *Critique of Pure Reason*, A132/B171.

¹⁴⁷ *Critique of the Power of Judgment*, 5: 352.

¹⁴⁸ "First Introduction", 20: 214.

version of Aristotle's doctrine of final cause for the explanation of all particulars in metaphysics. Kant might agree with this point, but Kant's doctrine is indeed differently grounded. First, as indicated in the preceding discussion, Kant claims the notion of purposiveness with subjunctive mood for nature *as if* it is purposive, whereas Aristotle asserts that nature is purposive. Second, the notion of purposiveness can be related merely to our "mode of reflection" in the same way we would reflect nature.

The complexity also leads to another distinction between objective universality and subjective universality. Objective universality only focuses on the possibility of the object no matter whether it is of theoretic or practical sense, whereas subjective universality is concerned with searching universals from given particulars. In the preceding discussion, it is clearly seen that reflective judgment focuses on given particulars rather than concerns possibility of the object. In other words, reflective judgment has merely subjective universality rather than objective universality. This explains why Kant names it "mode of reflection" and use subjunctive mood in expressing the notion of purposiveness. On the contrary, Aristotle argues that the notion of purposiveness has objective universality and he investigates such universality by means of speculative reason. In sum, one can say that, while the two philosophers both claim purposiveness, they indeed have different forms of universality in mind.

I shall investigate below how Kant conceives the meaning of purposiveness. He distinguishes between the principle of internal purposiveness and that of external purposiveness. According to Kant, the former claims that "*an organized product of*

*nature is that in which everything is an end and reciprocally a means as well,”*¹⁴⁹ while the latter maintains that “one thing in nature serves another as the means to an end.”¹⁵⁰ By definition, internal purposiveness merely refers to the individual organized being. By contrast, external purposiveness refers to all things in nature whether they are organisms or not. As mentioned in the preceding discussion on war, Kant argues that war serves as the means to perpetual peace and this argument conforms to the definition of external purposiveness. Therefore, the guarantee of perpetual peace involves external purposiveness and I shall only focus on this principle.

With regard to this principle, Kant further distinguishes two senses in which the human race can be deemed as an end. The first sense is the ultimate end (*letzter Zweck*) of nature, which entails the human being as a species can judge all natural things as the system. Only the human being is the ultimate end in nature since “he is the only being on earth who forms a concept of ends for himself and who by means of his reason can make a system of ends out of an aggregate of purposively formed things.”¹⁵¹ As defined here, culture also can be regarded as ultimate end of nature because it is a “production of the aptitude of a rational being for any ends in general.”¹⁵²

As mentioned more than once, Kant construes war exactly as a cultural discipline because war could be caused by honor that involves great degree of

¹⁴⁹ *Critique of the Power of Judgment*, 5: 376. The later expression is more clearly that: “The definition of an organic body is that it is a body, every part of which is there *for the sake of the other* (reciprocally as end and, at the same time, means). It is easily seen that this is a mere idea, which is not assured of reality *a priori* (i.e. that such a thing could exist).” In *Opus postumum*, 21: 210

¹⁵⁰ *Critique of the Power of Judgment*, 5: 425.

¹⁵¹ *Critique of the Power of Judgment*, 5: 427.

¹⁵² *Critique of the Power of Judgment*, 5: 431.

rational end. However, as Kant argued repeatedly also, war is merely the preliminary work for the human being in entering the lawfulness state. Kant says plainly, “while the evil that is visited upon us partly by nature, partly by the intolerant selfishness of human beings, at the same time calls forth, strengthens, and steels the powers of the soul not to be subjected to those, and thus allows us to feel an aptitude for higher ends, which lies hidden in us.”¹⁵³ A decisive point here is that, although human being, as a sensible being, may be evil, she, also as a rational being, is at once conscious of some powers derived from her practical reason, and this power directs to the higher end.

This higher end, as the second sense of the end, obviously points to the final end (*Endzweck*) which “needs no other as the condition of its possibility.”¹⁵⁴ However, it seems confusing why Kant suddenly introduces this end since he posits the notion of ultimate end for reflecting the nature as a system. One thus should consider the principle of external purposiveness and the ultimate end again. While the notion of ultimate end is advanced by the human being, who seems to take the view that the end only serves for the human being, every species indeed can be treated as means according to the principle of external purposiveness. Kant gives an example that “humankind exists in order to establish a certain balance among the productive and destructive powers of nature by hunting and reducing the number of [the carnivores].”¹⁵⁵ Admittedly, in order to establish a certain balance of nature, the human being can be a means. In other words, the human being can be either the end or the means depending on what the contexts would be.

¹⁵³ *Critique of the Power of Judgment*, 5: 434.

¹⁵⁴ *Critique of the Power of Judgment*, 5: 434.

¹⁵⁵ *Critique of the Power of Judgment*, 5: 427.

Also, according to Kant, the ultimate end, which is applied merely to mechanism of nature to explain the physical possibility of things, cannot elucidate an intentionally acting cause (*absichtlich wirkenden Ursache*) which involves freedom which is a principle of action.¹⁵⁶ Thus, the ultimate end pertaining to the human being needs further proof for its objective ground, i.e. the final end. As mentioned above, considered from the phenomenal perspective, the final end cannot be found in the empirical world since the human being can either be the end or be the means. Nevertheless, considered from the noumenal perspective, the human being can be regarded as final end in accordance with moral law which is the only conceivable candidate.¹⁵⁷ Kant thereafter identifies the highest good with the final end, i.e. happiness in harmony with morality. This is the final end for us that we can attain the highest good in the world through the use of our freedom.¹⁵⁸ By combining this end or guarantee with moral law, they would yield a project which guide us progressively in attaining perpetual peace.

It seems that Kant dogmatically dictates that the highest good must be actualized in the phenomenon world. Nevertheless, Kant in the whole discussion of the notion of purposiveness merely shows the possibility of actualizing highest good, rather than dogmatically affirms it. In “Idea for a universal history with a cosmopolitan aim”, Kant positively characterizes several propositions which unfold the final end as a plan that affects us in conceiving human being and nature. Instances include, say, the fifth: “The greatest problem for human species, to which nature compels him, is the achievement of a civil society universally administering

¹⁵⁶ *Critique of the Power of Judgment*, 5: 434.

¹⁵⁷ *Critique of the Power of Judgment*, 5: 435.

¹⁵⁸ *Critique of the Power of Judgment*, 5: 450.

right.”;¹⁵⁹ the seventh: “The problem of establishing a perfect civil constitution is dependent on the problem of a lawful external relation between states and cannot be solved without the latter.”;¹⁶⁰ and the eighth: “One can regard the history of the human species in the large as the completion of a hidden plan of nature to bring about an inwardly and, to this end, also an externally perfect state constitution, as the only condition in which it can fully develop all its predispositions in humanity.”¹⁶¹ These propositions can be deemed as supplements to the guarantee of perpetual peace.

IV. Reflective judgment as a directive force

From the preceding discussion, it is clear that Kant’s guarantee of perpetual peace merely pertains to reflective judgment, through which one classifies particulars in terms of genera and species. One reflects nature in the most general sense, as indicated above, by means of the notion of purposiveness, and construes all particulars as a system or hierarchical order. By reflecting particulars in such a manner, one projects the notion of purposiveness, especially the final end, into nature *as if* it intends to actualize its end through different means, including even war. And also we can conceive that different genera and species support the realization of the end. One should keep in mind that such notions, as purposiveness, intelligent design, God, etc. merely possess subjective universality, which focuses on mode of reflection or particulars as such rather than the possibility of object in general. Thus, the notion of purposiveness, as a “heuristic principle,”¹⁶² demonstrates its regulative function in our mind conceiving nature in such a manner. By interpreting, the

¹⁵⁹ “Idea for a universal history with a cosmopolitan aim”, 8: 22.

¹⁶⁰ “Idea for a universal history with a cosmopolitan aim”, 8: 24.

¹⁶¹ “Idea for a universal history with a cosmopolitan aim”, 8: 27.

¹⁶² “First Introduction”, 20: 205.

guarantee merely ensures that the human beings would gradually attain perpetual peace, in which nature, as it were, compels and guides us to actualize it.

Although one can construe the notion of purposiveness as the operative postulate of the guarantee in Kant's theory of perpetual peace, some may argue that this is only "wishful thinking" since it can never be realized. However, according to Kant's view, perpetual peace, like the latter Habermas's argument on the notion of modernity, is an incomplete project. Although perpetual peace is very difficult to attain and mistakes are unavoidable, the human being must overcome problems by means of reason.¹⁶³ Perpetual peace can however be construed as a notion of direction towards which the human being exerts her endeavor. Also, the notion of purposiveness is a necessary concept for expressive power. In ordinary language, we always express "I hope" when we try to realize something. Thus, it is our postulate not only of the mode of reflection, but also of our expressive power. Admittedly, this responds to the question advanced in the *Jäsche Logik*: What can I hope? (*Was darf ich hoffen?*)

However, one may still suspect that the process of perpetual peace might be reversible, since one can hardly find any firm direction to guiding her towards the actualization of a perpetually peaceful end. One may thus be forgiven for thinking that Kant may be too optimistic in his view on the development of the human being.

¹⁶³ "The project of modernity" as Habermas explained, "has not yet been fulfilled. And the reception of art is only one of at least three of its aspects. The project aims at a differentiated relinking of modern culture with an everyday praxis that still depends on vital heritages, but would be impoverished through mere traditionalism. This new connection, however, can only be established under the condition that societal modernization will also be steered in a different direction. The life-world has to become able to develop institutions out of itself which set limits to the internal dynamics and imperatives of an almost autonomous economic system and its administrative complements." Jürgen Habermas, "Modernity—an Incomplete Project", in *Post-modern Culture*, ed. Hal Foster (London: Pluto Press, 1985), p. 13.

Indeed, Moses Mendelessohn (1729-86), who was opposed to Kant's view, claims that "we see the human race as a whole make small oscillations, and it never takes a few steps forward without soon afterward sliding back twice as fast into its former state." He clearly contends that the human race will never make moral progress. Kant response to Mendelessohn's view as below:

I shall therefore be allowed to assume that, since the human race is constantly advancing with respect to culture (as its natural end) it is also to be conceived as progressing toward what is better with respect to the moral end of its existence, and that this will indeed be *interrupted* from time to time but will never be *broken off*.¹⁶⁴

This paragraph indicates that Kant is confident of the human being's moral progress toward a better state. As discussed earlier, the notion of purposiveness, which regulates us in construing nature and in realizing the end, essentially includes an irreversible direction. Kant explicitly focuses on the form, or the general process, of the development rather than the historical evolvment. In other words, the notion of purposiveness posits a constant direction in the process of searching for stability and order in terms of hierarchical order. Kant argues that perpetual peace will finally be attainable, at least reflectively, because all activities of culture must involve human will that implies purposiveness. As long as the development of culture involves purposiveness, the process of perpetual peace is irreversible.

¹⁶⁴ "On the common saying: That may be correct in theory, but it is of no use in practice," 8: 309.

3. Appraising the Project of Perpetual Peace

In the preceding chapters, I have investigated two transcendental principles of Kant's theory of perpetual peace. It may be appropriate now to consider what type of measure we need to enact in actualizing perpetual peace. Measure and rules help to contrive some condition of peace, and, for Kant, "a condition of peace among men living near one another is not a state of nature (*status naturalis*), which is much rather a condition of war, that is, it involves the constant threat of an outbreak of hostilities even if this does not always occur."¹⁶⁵ In the project of perpetual peace, Kant indeed advances some substantial measures under the name of "six preliminary articles" and "three definitive articles". The present chapter shall look into these measures in two parts respectively. The first discusses the meaning and role of perpetual peace and the six preliminary articles, the second focuses on the three definitive articles. As the three definitive articles seem much more controversial within the entire project, they will be the central topic of the chapter.

I. The definition of perpetual peace and the six preliminary articles

As mentioned in the previous chapters, Kant argues that the grounds of perpetual peace lay in two transcendental principles, namely, the principle of publicity, which is the reformulation of moral law at the level of inter-subjectivity, and the regulative principle, which regulates our mind in construing nature as a system in accordance with the notion of purposiveness. For Kant, the combination of these two principles would yield the process of the project of perpetual peace. To begin with, one needs a clear understanding of the meaning and the role of the

¹⁶⁵ *Toward Perpetual Peace: A Philosophical Project*, 8: 349.

notion of perpetual peace.

While the title of his 1795 essay was *Toward Perpetual Peace: A Philosophical Project*, it seems that Kant did not spend much space on the topic. Two years later, in *The Metaphysics of Moral*, he tackled the notion more deliberately with his substantial explanation and combination of the concept of “perpetual” and “peace.”

In the appendix of “The Doctrine of Right,” Kant defines the “Perpetual Foundations.” He says that “it is called *perpetual* if the statute for maintaining it is bound up with the constitution of the state itself.”¹⁶⁶ Moreover, in the conclusion of the doctrine, Kant specifies that “morally practical reason pronounces in us its irresistible *veto*: *there is to be no war*, neither war between you and me in the state of nature nor war between us as states.”¹⁶⁷ In order to achieve “the end of all hostilities,”¹⁶⁸ and thus perpetual peace, it is necessary for the human being to establish the constitutions to maintain both a lawful internal state and external relations among states.

What, then, is the role of perpetual peace? “The question is no longer whether perpetual peace is something real or a fiction, and whether we are not deceiving ourselves in our theoretical judgment when we assume that it is real.”¹⁶⁹ It is an “unachievable idea,”¹⁷⁰ or, rather, merely a rational idea. Meanwhile, one can regard it as “continual *approximation* (*Annäherung*).”¹⁷¹ As Kant points out, although

¹⁶⁶ *The Metaphysics of Morals*, 6: 367.

¹⁶⁷ *The Metaphysics of Morals*, 6: 354.

¹⁶⁸ *Toward Perpetual Peace: A Philosophical Project*, 8: 343.

¹⁶⁹ *The Metaphysics of Morals*, 6: 354.

¹⁷⁰ *The Metaphysics of Morals*, 6: 350.

¹⁷¹ *The Metaphysics of Morals*, 6: 350.

perpetual peace is unachievable, one must endeavor to establish perpetual peace and the kind of constitution which is “republicanism of all states.”¹⁷² According to the “continual approximation”, Kant is confident that there are some tasks of perpetual peace which can be accomplished, e.g. grounding the right of human beings and of states.¹⁷³ Thus, the role of the notion of perpetual peace, as a rational and perfection idea, can be deemed as the directive force of the whole theory.¹⁷⁴

After discussing the meaning and the role of the notion of perpetual peace, we can now examine the project of perpetual peace. Kant advances totally nine articles for putting an end to war and for achieving perpetual peace. Among them, the six preliminary articles refer to the former objective and three definitive articles to the latter. First let’s consider the six preliminary articles, listed below:

1. No treaty of peace shall be held to be such if it is made with a secret reservation of material for a future war.
2. No independently existing state (whether small or large) shall be acquired by another state through inheritance, exchange, purchase or donation.
3. Standing armies (*miles perpetuus*) shall in time be abolished altogether.
4. No national debts shall be contracted with regard to the external affairs of a state.
5. No state shall forcibly interfere in the constitution and government of

¹⁷² *The Metaphysics of Morals*, 6: 354.

¹⁷³ *The Metaphysics of Morals*, 6: 350.

¹⁷⁴ It seems that, to some extent, the notions of highest good and perpetual peace have the same meaning. They, however, are in two different levels. According to the discussion in the second *Critique*, beside the notion of freedom, the actualization of the highest good commanded by moral law requires two more postulates, i.e. the immortality of soul and the existence of God. The notion of perpetual peace does not necessarily need these two postulates besides the notion of freedom. Since the notion of perpetual peace is a perfection idea which is also commanded by moral law, it can be pertained to the notion of the highest good.

another state.

6. No state at war with another shall allow itself such acts of hostility as would have to make mutual trust impossible during a future peace; acts of this kind are employing *assassins* (*perduellio*) or *poisoners* (*venefici*), *breach of surrender*, *incitement to treason* (*perduellio*) within the enemy state, and so forth.¹⁷⁵

One can construe these articles from two perspectives. On the one hand, based on Kant's subsequent detailed explanations of the articles, these six articles can be deemed as causes of warfare. I thus attempt to classify them into three causes, i.e. (1). causes of infringing upon the sovereignty of another state (Article 2 and 5), (2). causes of apparent threat to another state (Article 3 and 4), and (3) causes of mistrust between states (Article 1 and 6). Although Kant expatiated on these articles in the eighteenth century, it is easy for contemporaries who retrospect our historical experiences to see that these causes have also affected the development of international order in the nineteenth and twentieth centuries. During the modern era, for example, European states have signed secret numerous reservations and expanded their armed forces. And the two militant alliances, i.e. the Triple Alliance and the Triple Entente, served as notorious examples of such international conspiracies.¹⁷⁶ The assassination of Ferdinand's in Sarajevo, eventually, intrigued the long hatred between the two military camps and led to the outburst of World War I. A careful interpretation of recent European history may lead one to agree that Kant indeed had offered some essentially correct insights in analyzing the causes of war.

¹⁷⁵ *Toward Perpetual Peace: A Philosophical Project*, 8: 343-347.

¹⁷⁶ The Triple Alliance was among Germany, Austria-Hungary and Italy, while the Triple Entente was among Great Britain, France and Russia.

Another perspective concerns the degree of emergency in implementing the measures. As discussed above, the situation of individual states is evidently full of mistrust. In order to disperse this atmosphere, Kant makes a distinction between the six articles. Thus, although all one of these articles are “*laws of prohibition (leges prohibitivae)*,”¹⁷⁷ article 1, 5 and 6 must be enacted at once without need to consider different circumstances for “putting a stop to an abuse *at once*,”¹⁷⁸ whereas the other articles, article 2, 3 and 4 can “[take] into consideration the circumstances in which they are to be *applied, subjectively* widen his authorization (*leges latae*) and contain permissions, not to make exception to the rule of right, but to *postpone* putting these laws into effect, without however losing sight of the end.”¹⁷⁹ To implement articles 2, 3, 4 later is strictly permitted unless “implementing the law prematurely counteracts its very purpose.”¹⁸⁰ Naturally, the “very purpose” points to whether those measures would prevent the war or not. For example, as Kant explains in article 2, it is no doubt a right decision to restore the freedom of colonies, which shows that we respect each state not as an asset but as a moral person.¹⁸¹ However, judging from the history of the independence of colonies, e.g. the cases of Cambodia, Myanmar, etc. things could become chaotic when suzerains hurriedly leave and prematurely bequeath freedom to the former colonies. Without proper sequence, the colony can seldom enjoy its freedom, and worse, there could even be civil wars.¹⁸² Hence, in implementing these articles, especially articles 2, 3, 4, one should take the situation of the states into full consideration.

¹⁷⁷ *Toward Perpetual Peace: A Philosophical Project*, 8: 347.

¹⁷⁸ *Toward Perpetual Peace: A Philosophical Project*, 8: 347.

¹⁷⁹ *Toward Perpetual Peace: A Philosophical Project*, 8: 347.

¹⁸⁰ *Toward Perpetual Peace: A Philosophical Project*, 8: 347.

¹⁸¹ *Toward Perpetual Peace: A Philosophical Project*, 8: 344.

¹⁸² See Nicholas Tarling ed., *The Cambridge History of Southeast Asia*, v. 2. *The nineteenth and twentieth centuries* (New York: Cambridge University Press, 1992).

II. The division of public right and the three definitive articles

The main idea of Kant's project of perpetual peace is to construct three levels of public right, or, as he puts it, three definitive articles. Judging superficially, it may seem that the six articles are sufficient in establishing perpetual peace, and that the three definitive articles are superfluous. For Kant, however, the three definitive articles are necessary because without them the state actualized by the former six articles is still merely a "state of nature (*status naturalis*),"¹⁸³ i.e., "it involves the constant threat of an outbreak of hostilities even if this does not always occur."¹⁸⁴ One should note that those six preliminary articles, or "laws of prohibition," are *negative* in nature in their aim of achieving peace, in that they only state how the hostilities between people and states are to be prevented, but not how perpetual peace should be established. In order to establish perpetual peace constructively, the three definitive articles are thus *positive* and prescriptive in nature.

Given the reasons mentioned above, in the footnote, Kant sets forth the three levels of public right as follows:

Any rightful constitution is, with regard to the persons within it,

1. one in accord with the *right of citizens of a state* (*Staatsbürgerrecht*), of individuals within a people (*ius civitatis*),
2. one in accord with the *right of nations* (*Völkerrecht*), of states in relation to one another (*ius gentium*),
3. one in accord with the *right of citizens of the world* (*Weltbürgerrecht*),

¹⁸³ *Toward Perpetual Peace: A Philosophical Project*, 8: 349.

¹⁸⁴ *Toward Perpetual Peace: A Philosophical Project*, 8: 349.

insofar as individuals and states, standing in the relation of externally affecting one another, are to be regarded as citizens of a universal state of mankind (*ius cosmopoliticum*).¹⁸⁵

The explanations of each right show that this division is not made at will. It is based on consideration of the right as “mine and yours” in all possible external situations with regard to the notion of perpetual peace.¹⁸⁶ “For if only one of these were in a relation of physically affecting another and were yet in a state of nature, the condition of war would be bound up with this, and the aim here is just to be freed from it.”¹⁸⁷ For Kant, this is amount to saying that if these three levels of public right are well established, all war can permanently be prevented. In what follows, I shall discuss these definitive articles one by one.

A. The first definitive article: “The civil constitution in every state shall be republican (*Die bürgerliche Verfassung in jedem Staate soll republikanisch sein*).”

In regard to the three rightful conditions mentioned in Chapter 1, if one deems all people as moral subjects, then only the republic derived from the Original Contract can embody people’s freedom, equality and independence. Based on the same conditions, it will yield a republican constitution which will likely lead to perpetual peace. Kant offers a nice example in elucidating its merit:

When the consent of the citizens of a state is required in order to decide whether there shall be war or not (and it cannot be otherwise in this

¹⁸⁵ *Toward Perpetual Peace: A Philosophical Project*, 8: 349.

¹⁸⁶ *Toward Perpetual Peace: A Philosophical Project*, 8: 349.

¹⁸⁷ *Toward Perpetual Peace: A Philosophical Project*, 8: 349.

constitution), nothing is more natural than that they will be very hesitant to begin such a bad game, since they would have to decide to take upon themselves all the hardships of war (such as themselves doing the fighting and paying the costs of the war from their own belongs, painfully making good the devastation it leaves behind, and finally — to make the cup of troubles overflow — a burden of debt that embitters peace itself, and that can never be paid off because of new wars always impending).¹⁸⁸

According to the republican constitution, all citizens have a right to vote for public affairs which include e.g. whether or not to declare a war. Kant believes that most of citizens in the republic would naturally vote not to involve into wars, since citizens will deliberately calculate the possible consequence and come to the awareness that wars cost a high price that they cannot afford. On the contrary, for the non-republican state, the ruler who is not a member of the state (*Staatsgenosse*) but its proprietor (*Staatseigentümer*) possess unlimited power and can “decide upon war, as upon a kind of pleasure party, for insignificant cause, and can with indifference leave the justification of the war, for the sake of propriety, to the diplomatic corps, which is always ready to provide it.”¹⁸⁹

Comparing the two kinds of states in this manner admittedly involves the problem of the form of government. Kant further divides the forms of state “either according to the different persons who have supreme power within a state or according to the way a people *is governed* by its head of state.”¹⁹⁰ The former refers to the form of sovereignty, which can be further divided into three kinds, as

¹⁸⁸ *Toward Perpetual Peace: A Philosophical Project*, 8: 350.

¹⁸⁹ *Toward Perpetual Peace: A Philosophical Project*, 8: 350-1.

¹⁹⁰ *Toward Perpetual Peace: A Philosophical Project*, 8: 352.

autocracy, aristocracy and democracy, namely, the power of a prince, of a nobility and of a people.¹⁹¹ The latter refers to the form of government of a state, i.e. either republican or despotic. “*Republicanism* is the political principle of separation of the executive power (the government) from the legislative power,”¹⁹² and “despotism is that of the high-handed management of the state by laws the regent has himself given.”¹⁹³

Obviously, Kant is rather an adherent of republicanism than of despotism because the former possesses a higher possibility that its members are capable of revising and preventing any evil consequence (although the citizens may choose to declare a war). The latter, as Kant criticized, handles the public will as its private will, and is in contradiction with the general will and freedom. In other words, in despotism, legislative authority is deprived of the power to constrain the power of despotism which infringes upon people’s right. With this understanding, for Kant, democracy, in the strict sense, is equivalent to despotism since “it establishes an executive power in which all decide for and, if need be, against one (who thus does not agree) so that all, who are nevertheless not all, decide.”¹⁹⁴ As for sovereignty, no matter whether it is in autocracy or aristocracy, so long as if its government complies with the spirit of the representative system, i.e., the executive is separated from the legislative entity, it could be deemed as republicanism. In other words, if the form of government is not *representative* (*repräsentativ*), it is *without form* (*Unform*).¹⁹⁵ This may account for the fact that Kant highly appreciates Frederick II (Friedrich der Große,

¹⁹¹ *Toward Perpetual Peace: A Philosophical Project*, 8: 352. Here Kant uses “democracy” which means the political system implemented in the ancient Greek rather than in the modern.

¹⁹² *Toward Perpetual Peace: A Philosophical Project*, 8: 352.

¹⁹³ *Toward Perpetual Peace: A Philosophical Project*, 8: 352.

¹⁹⁴ *Toward Perpetual Peace: A Philosophical Project*, 8: 352.

¹⁹⁵ *Toward Perpetual Peace: A Philosophical Project*, 8: 352.

1712-1786), the King of Prussia, who said that “he was only the highest servant of the state.”¹⁹⁶

Comparing with despotism, the focal point of the representative system is that the executive power is strictly bound by the legislative power, and that the executive cannot declare wars at will. In addition, the system is the only one in conformity with the notion of right. In order to achieve perpetual peace, Kant thus argues that every state can hope to finally raise itself to republicanism by gradual reforms.¹⁹⁷ Of course, republicanism might declare wars, too. Here Kant merely argues that in the case of the representative system the possibility of declaring wars is much lower than that of despotism. As a matter of fact, while there have been two World Wars in the twentieth century, fights among republican states were rare.¹⁹⁸

As Kant suggests, we hope that all states can be republican. In reality, many states nevertheless violate the spirit of the representative system, and this usually results in despotism and totalitarianism. With such extreme means as nuclear weapons, despotism and totalitarianism could threaten international society with dramatic increasing hostility. How can republican states deal with such non-republic states? Do we have the right to take means in preventing their threatening actions? If we are forced to use armed force to stop these non-republican states’ terrorist

¹⁹⁶ *Toward Perpetual Peace: A Philosophical Project*, 8: 352.

¹⁹⁷ *Toward Perpetual Peace: A Philosophical Project*, 8: 353.

¹⁹⁸ For a detailed account of the international relations in the nineteenth and twentieth centuries, see F. H. Hinsely ed., *The New Cambridge Modern History*, Vol. 11 (London: Cambridge University Press, 1962) and C. L. Mowat ed., *The New Cambridge Modern History*, Vol. 12 (London: Cambridge University Press, 1968). Of course, scarcity of warfare among republican states does not mean scarcity of warfare between republican and non-republican states. In the nineteenth and twentieth centuries, in order to show off their national glory, republic European states, British and France for instance, have invaded Asian and African nations more than once, and eventually those Asian and African nations became colonies. It should be noted that elsewhere Kant indeed anticipated such serious problems, and he regarded them as an issue of Cosmopolitan right.

means, it seems that we ourselves would violate preliminary article 5. Kant does not note this problem in the first definitive article. It is tackled by the next article, to which I shall turn now.

B. Second definitive article: “The right of nation shall be based on a *federalism* of free states (*Das Völkerecht soll auf einen **Föderalismus** freier Staaten gegründet sein*).”

As preliminary article 2 indicates, we should treat a state not as an asset but as a moral person, otherwise it will contradict the idea of the Original Contract. In accordance with this attitude, in together with the idea of the Original Contract, Kant further argues that all republican states should establish a constitution similar to a civil constitution, namely, a *league of nations* (*Völkerbund*).¹⁹⁹

The reason for establishing such a constitution is simple that it can assure the right of states in terms of the view of right as “mine and yours.” In a civil society, if someone infringes upon another’s right, he can appeal to legal procedures. Comparing with the example, in the natural or non-civil environment, there is no legal procedure to tackle with the right of states and each state must appeal to war in assuring its right. However, righteousness plainly cannot be determined by war and its favorable outcome, victory. Even if after a war, states sign a treaty, it is merely to bring end to a specific war, not to human warfare once for all. However, according to moral law, assuring the right of state is a duty of itself that helps it out of lawless condition. Therefore, in accordance with the idea of the Original Contract, one should establish the constitution to guarantee lawfulness. And Kant argues that

¹⁹⁹ *Toward Perpetual Peace: A Philosophical Project*, 8: 354.

“there must be a league of a special kind, which can be called a *pacific league* (*foedus pacificum*), and what would distinguish it from a *peace pact* (*pactum pacis*) is that the latter seeks to end only *one* war whereas the former seeks to end all war forever.”²⁰⁰

One can regard Kant’s doctrine of the *league of nations* as a criticism of the notion of balance of power. Kant writes:

Now, the only possible remedy for this is a right of nations, based on public law accompanied by power to which each state would have to submit (by analogy with civil right, or the right of a state, among individuals); for, an enduring universal peace by means of the so-called *balance of power in Europe* is a mere fantasy, like Swift’s house that the builder had constructed in such perfect accord with all the laws of equilibrium that it collapsed as soon as a sparrow alighted upon it.²⁰¹

In 1815, at the Congress of Vienna, the notion of balance of power was officially advanced and it almost dominated the whole diplomacy among European states in the nineteenth century. In order to prevent warfare, many powerful states believed that they could mutually bind each other if they had equal military power. Unfortunately, the notion of balance of power actually came to be a major cause for the powerful states’ expansion of armed forces. This notion cannot prevent war but precipitates war instead.²⁰² Seriously, it violates the notion of right of the state.

²⁰⁰ *Toward Perpetual Peace: A Philosophical Project*, 8: 356.

²⁰¹ “On the common saying: That may be correct in theory, but it is of no use in practice,” 8: 312.

²⁰² The existence of The Triple Alliance and of the Triple Entente can be regarded as the product of the notion of balance of power.

Considering in terms of the idea of the Original Contract, if international diplomacy is concerned more about the right of state than the power of state, it may ease the tension between the states.

However, one may argue that each state has its own sovereign right which cannot be infringed upon. In establishing the league of nations, the states' sovereign right must be partly abandoned and therefore this requirement will infringe upon the right of state. Some states, in participating in international organizations, often use infringement of their sovereign right as an excuse in refusing to fulfill decisions from such organizations. In the most extreme cases, they may even raise objection against the establishment of such organization.

This kind of hostile arguments assumes that establishing the league of nations is equivalent to infringing upon the sovereign right and that the state is in opposition to international order. There are two replies to them:

1. **The nature of Original Contract:** The situation is similar to the relation between the citizen and the state. As discussed in chapter 1, according to the function of Original Contract, the citizen obeys her own reason rather than any authority. The rightful constitution derived from the notion of Original Contract can embody the citizen's right. To participate in the contract does not mean that the citizen's right is to be infringed. On the contrary, the citizen participates in the contract in order that she can be assured of her external freedom. By definition, "*right* is the limitation of the freedom of each to the condition of its harmony with the freedom of everyone insofar as this is possible in accordance with

universal law.”²⁰³ Based on the same reason, the sovereign right of the state, regarded as a moral person, should be compatible with other states, and the state in the Original Contract can be assured of its right.

2. **The scope of common affairs:** The league of nations should be established because there are always some common affairs that involve all states. Thus besides embodying the right, freedom and independence of a moral subject, one significant function of the rightful constitution is to deal with common affairs. One should note that the scope of a constitution will correspond to the scope of common affairs involved. In ancient times, because of the constraints of transportation problem, common affairs would usually be limited within the state, and people of different states would establish mutually independent civil constitutions. Following the development of science and technology, in modern times, many common affairs, say the problems of environmental protection, hygiene, human right, could occur not only within a state, but also among states and across continents. In other words, the scope of common affairs would expand from a state to the world and there should be an association of states to tackle them at once.

After responding to the problem of establishing the league of nations, I now turn to discuss the distinction between the “league of nations” and the supposed “state of nations.” From the discussion above, one may theoretically expects that Kant may advance the notion of the state of nations in conceiving international order. However, it seems that Kant disagrees with establishing such a state, and he repeatedly argues that we need is the league of nations (*Völkerbund*) instead of the state of nations (*Völkerstaat*).

²⁰³ “On the common saying: That may be correct in theory, but it is of no use in practice,” 8: 290.

In arguing for such a view, Kant focuses on a characteristic of the notion of the state in general, namely, “the relation of a *superior* (legislating) to an *inferior* (obeying, namely the people).”²⁰⁴ It means that the state is a mean by which the superior, authorized by citizens, imposes public coercive laws on the inferior. If the state of nations is established, then it means that we build another sovereign right upon each state. Thus, Kant argues that the notion of the state of nations would contradict the notion of federalism of free states. Additionally, the state of nations is entirely difficult to manage, as Kant explains, “if such a state made up of nations were to extend too far over vast regions, governing it and so too protecting each of its member would finally have to become impossible, while several such corporations would again bring on a state of war.”²⁰⁵

Nevertheless, I believe that the reasons mentioned above are at best of technical importance. They alone do not mean that the notion of state of nations is unworthy to seek. In the last of the explanation of the second article, Kant explicitly put forward another and more significant reason:

In accordance with reason there is only one way that states in relation with one another can leave the lawless condition, which involves nothing but war; it is that, like individual human beings, they give up their savage (lawless) freedom, accommodate themselves to public coercive laws, and so form an (always growing) *state of nations (civitas gentium)* that would finally encompass all the nations of the earth. But, in accordance with their idea of the right of nations,

²⁰⁴ *Toward Perpetual Peace: A Philosophical Project*, 8: 354.

²⁰⁵ *The Metaphysics of Morals*, 6: 350.

they do not at all want this, thus rejecting *in hypothesis* what is correct *in thesis*; so (if all is not to be lost) in place of the positive idea of a world republic only the *negative* surrogate of a *league* that averts war, endures, and always expands can hold back the stream of hostile inclination that shies away from right, though with constant danger of its breaking out.²⁰⁶

Here Kant argues that, in accordance with the Original Contract, the state of nations should be established. However, even though in theory this is a right step for perpetual peace, every state in considering its self interests properly will reject the construction of such a super state. In general, states do not want some parts of their sovereign right to be bound immediately, “and so it has always been ridiculed by great statesmen, and still more by heads of state, as an academic and childish idea emerging from the schools.”²⁰⁷ Kant thus advances the “negative” prohibitive organization, i.e., the league of nations, instead of the “positive” notion of the state of nations for the sake of compromising with all states on peace. While the league of nations can prevent war, the hostility among states cannot be thoroughly dissolved.

The problem of hostility is no doubt a major issue in the development of international order, especially since the nineteenth century. The League of Nations established after World War I turned out to be the first international organization. However, subsequent history have shows that the League of Nations was incompetent in mediating many entanglements between states, e.g. Japan’s invasion of Manchuria (1931), Italy’s attack on Abyssinia (1939), the U. S. S. R. attack on Finland (1939), etc., not to mention its helplessness in the face of German aggression

²⁰⁶ *Toward Perpetual Peace: A Philosophical Project*, 8: 357.

²⁰⁷ “On the common saying: That may be correct in theory, but it is of no use in practice,” 8: 313.

of Austria, Czechoslovakia and Poland. Eventually Japan, Italy and Germany successively withdrew from the futile organization and World War II was to break out.²⁰⁸ During World War II, Winston Churchill and Franklin Delano Roosevelt attempted to build another powerful international organization for preventing war, and thus the United Nations was established. While it has rectified some weaknesses of the League of Nations, the United Nations remains inefficient in stopping wars or conciliating serious conflicts between states, e.g. the cold war, Israel's invasion of Egypt in 1967, Turkey's invasion of Cyprus in 1974, the Iran-Iraq War, Gulf Wars, and of course the US invasion of Iraq in 2003.

Also, as mentioned in my discussion of Kant's first article, it seems that the United Nations cannot successfully reduce the proliferation of nuclear weapons, especially in non-republican states, such as North Korea and Iran, which still threaten to wage wars. The United Nations has imposed economic sanctions on such non-republican states but they simply will not yield to its pressure. Nevertheless, one should note that when one criticizes these loose international organizations as incompetent, one takes the supposed notion of the state of nations as the criteria to apply to these organizations. In other words, international order and the notion of state will unify gradually. The reformation of the United Nations will progressively approximate to the international coercive laws. Thus, federalism will transform progressively towards the state of nations, which is a better guarantee of perpetual peace.

C. Third definitive article: "Cosmopolitan right shall be limited to conditions of

²⁰⁸ From 1931 there were several events which weakened the power of the League of Nations. See J. See C. L. Mowat ed., *The New Cambridge Modern History*, Vol. 12, op. cit., pp. 242-68.

universal hospitality (*Das **Weltbürgerrecht** soll auf Bedingungen der allgemeinen **Hospitalität** eingeschränkt sein*)."

Cosmopolitan right is the last but the most significant article in the theory of perpetual peace because it shows Kant's cosmopolitan perspective in pursuing the state of nations. It is "a supplement to the unwritten code of the right of a state and the right of nations necessary for the sake of any public rights of human beings and so for perpetual peace."²⁰⁹ To begin with, I shall make clear two key terms, i.e., "cosmopolitan right" and "hospitality." The former "has to do with the possible union of all nations with a view to certain universal laws for their possible commerce,"²¹⁰ and the latter means "the right of a foreigner not to be treated with hostility."²¹¹ Accordingly, this article can be divided based on the two arguments, the problem of commerce and the problem of colony.

First I shall deal with the problem of commerce. Kant asserts that all human beings have the right of possession in common of the earth's surface.²¹² All human beings thus can be regarded as members of the world. Also, due to the arrangement of nature, different groups and tribes live in their own part of the Earth where they possess different types of resources. In order to satisfy their desire of daily life, they have to approach each other and this gradually develops into barter commerce, and later into the general use of money as a medium of commercial exchange. For Kant, commercial activity will drive all states in seeking perpetual peace. He explains:

²⁰⁹ *Toward Perpetual Peace: A Philosophical Project*, 8: 360.

²¹⁰ *Toward Perpetual Peace: A Philosophical Project*, 8: 352.

²¹¹ *Toward Perpetual Peace: A Philosophical Project*, 8: 357-8.

²¹² *Toward Perpetual Peace: A Philosophical Project*, 8: 358.

It is the *spirit of commerce*, which cannot coexist with war and which sooner or later takes hold of every nation. In other words, since the *power of money* may well be the most reliable of all the powers (means) subordinate to that of a state, states find themselves compelled (admittedly not through incentives of morality) to promote honorable peace and, whenever war threatens to break out anywhere in the world, to prevent it by mediation, just as if they were in a permanent league for this purpose.²¹³

Any war threatens to break commercial activities. War and commercial activity are plainly incompatible. The state has to choose either war or business. After calculating the consequences, all states prudently choose commerce rather than war. In other words, they are attracted by the power of money. In order to protect commerce, all states will endeavor to maintain the condition of peace. Obviously, the spirit of commerce belongs to regulative judgment, which, as discussed in chapter 2, organizes the objects as a system in the empirical level. In other words, human desire in the empirical level will be a drive which encourages commerce, the latter in turn conforming to the idea of perpetual peace. Accordingly, everyone as a member of the world has the right to go everywhere for commerce.

Nevertheless, Kant is concerned about that the great possibility of abusing this right will infringe upon the right of the inhabitants of the land.²¹⁴ Hence, as the title of the article suggested, this right is limited by universal hospitality. In elucidating the notion of hospitality, Kant introduces a pair of rights: people only have the right to

²¹³ *Toward Perpetual Peace: A Philosophical Project*, 8: 368.

²¹⁴ *The Metaphysics of Morals*, 6: 353.

visit (*Besuchsrecht*) rather than to be a guest (*Gastrecht*).²¹⁵ As mentioned above, all human beings have “the right of possession in common of the earth’s surface on which, as a sphere, they cannot disperse infinitely but must finally put up with being near one another.”²¹⁶ Hence, everyone has the right to visit the land of another unless he is hostile. While people have the right to visit, it does not follow that people have the right to be a guest. According to Kant’s understanding, the notion of guest requires a special pact with one as “a member of the household for a certain time.”²¹⁷ The notion involves the right of settlement.

As Kant has analyzed, people in individual states are separated by nature in different parts of the earth and naturally have their right of possession of their lands.²¹⁸ In accordance with the view of right as “mine and yours”, one cannot at will infringe upon other peoples’ right of possession and has no right to settle on other peoples lands by force except for making contract with the inhabitants of such lands.²¹⁹ Or, more explicitly, people have no right to invade a land belonging to other people and to exterminate habitants on the land. Kant critically comments on the justifications for establishing the colony, say, for missionary purposes.²²⁰

The more important reason behind them is that some civilized states merely develop their own economy through plundering resources from other lands. However, “all these supposedly good intentions,” as Kant criticized, “cannot wash away the stain of injustice in the means used for them”²²¹ because these means

²¹⁵ *Toward Perpetual Peace: A Philosophical Project*, 8: 358.

²¹⁶ *Toward Perpetual Peace: A Philosophical Project*, 8: 358.

²¹⁷ *Toward Perpetual Peace: A Philosophical Project*, 8: 358.

²¹⁸ *The Metaphysics of Morals*, 6: 352.

²¹⁹ *The Metaphysics of Morals*, 6: 353.

²²⁰ *The Metaphysics of Morals*, 6: 353.

²²¹ *The Metaphysics of Morals*, 6: 353.

plainly infringe upon the right of another state. Therefore, cosmopolitan right should be confined to the right to visit for the sake of avoiding unnecessary infringement of others' right.

Towards the end of the article, Kant indicates that cosmopolitan right will be more significant in the future. "Since the (narrower or wider) community of the nations of the earth has now gone so far that a violation of right on *one* place of the earth is felt in *all*, the idea of a cosmopolitan right is no fantastic and exaggerated way of representing right."²²² As discussed above, cosmopolitan right necessarily relates to the development of globalization. One of the significant problems in such a development is economic interest of nations. Kant seems to be somewhat optimistic in conceiving the ground of cosmopolitan right as he seems to have neglected the problem of global economic justice. Due to the power of money, many states advocating free trade have joined forces in establishing a free trading environment in recent years. In order to deal with the rules of trade in such an environment, these states have finally established an international organization, the World Trade Organization (WTO) (1995-), which enables some powerful and developed states to obtain unfair gains e.g. free customs duties. However, the interests of developing states who want to join WTO are undermined because they are forced to forfeit customs duties which can protect their home industries and agricultures. As the production costs in the developing state may be higher than in the developed nations, the home industries and agricultures in developing states will likely decline and the unemployment will increase. Such a phenomenon naturally harms the stability of the government and the state is prone to civil war. In sum, the power of money may be a doubt-edged sword that gives birth to peace, and to war.

²²² *Toward Perpetual Peace: A Philosophical Project*, 8: 360.

III. Remark

According to the notions of public right and of purposiveness, Kant puts forward some substantial articles for the international order towards the end of the eighteenth century. As Kant in his essay: "On the common saying: That may be correct in theory, but it is of no use in practice" argues, he attempts to controvert some arguments about the relation between theory and practice. In other words, Kant is concerned about whether the theory can be practical or not. In the following, I shall examine whether Kant's project practical or not through his criteria.

While attempts have been made to implement the project of perpetual peace for almost two centuries, the enterprise is unfortunately still incomplete. For example, The United Nations, as a major achievement inspired by the project, exerts its role as conciliator only insufficiently in mediating the conflicts between states. In the meantime, the hostility congests states and war continuously threatens lives of the human race. We are still petrified by the photos of atrocities taken at war scenes. Also, human rights are not being fully protected. On the contrary, the issues of infringement upon human rights happen frequently. It seems that we are still far away from the state of perpetual peace.

If one were to consider whether or not the substantial articles of the project can respond to the current international situation, one could conclude that Kant's project indeed fails to come out. Although the United Nations was established in accordance with the second definite article, numerous problems have beset this international organization. First, it is a rather loose organization. In Kant's term, it is not a state to enact coercive laws, but merely a federation supported by ineffective laws. Thus, it is

difficult for the decisions made by the United Nations to be deemed as true laws since the United Nations cannot compel its members to implement the decisions. When some undemocratic or non-republican states threaten their neighbors by means of nuclear weapons, the United Nations can only reproach their action or at best impose economic sanctions against them. If, worse, these states disregard serious consequences and proceed to declare a war, the United Nations simply cannot effectively prevent the outbreak of the war because it lacks military power. On the contrary, various international military pacts, such as the North Atlantic Treaty Organization (NATO), that has prevented war successfully. This ironic fact reveals the incompetence of the United Nations, and, perhaps more important, the deep problem of its representativeness. One may doubt, with justification, whether or not the United Nations can in effect embody and represent its members' will or defend their rights. It may well be what the subtitle of Kant's treatise has suggested: "On the common saying: That may be correct in theory, but it is of no use in practice."

There is little doubt that Kant's six preliminary articles and three definitive articles are somewhat primitive because they ignore some important empirical factors. Unlimited economic interest, for instance, may threaten global economic justice and lead to state of war. Although Kant argues that in theory the power of money and spirit of commerce would drive all states into lawful conditions, hostilities among states can gradually increase, due to economic inequality, e.g., unfair trade. Moreover, in order to develop or maintain their own flourishing economy, many powerful and developed states may employ various unjust means to deprive the interests of developing countries. This again suggests that the power of money alone is not sufficient for peace.

Another neglected factor is the conflict between different religions or cultures. Kant seems to have underestimated the power of religion and culture, both of which can bring great unrest to the world. The September 11th attack serves an extreme example of drastic confliction between Islamic cultural value and that of the West. The conflict is more and more likely to perpetually threaten peace. As Samuel Huntington's well-known analysis suggests, different civilizations would clash because of conflict of cultural and religious identities.²²³ Different groups of religious fundamentalists desire to build their "heavens" on Earth in accordance with their religious aspirations and values. Thus, they fanatically attempt to force other peoples and cultures into accepting their peculiar conception of value by different methods including international terror. With the development of globalization, there is little doubt that the frequency of collision between different cultures will rapidly increase.

²²³ Samuel P. Huntington, *The Clash of Civilizations and The Remaking of World Order* (New York: Simon and Schuster, 1997).

Conclusion

Despite that the notion of perpetual peace plays a significant role in human lives. Theoretical discussion on the topic has been scarce. With the publication of *Toward Perpetual Peace — A Philosophical Project*, Kant is the first philosopher who introduced a philosophical dimension into the problem. Also, according to his later publications of moral philosophy, this problem emerged as the final purpose of the metaphysics of moral.

Kant's theory of perpetual peace contains two grounds. The first is the notions of public right. In *The Metaphysics of Morals*, Kant obviously argues that right is "mine and yours" (*das Mein und Dein*). According to this view, right does not only belong to someone alone, but is universal for all human beings. The expression of "mine and yours" shows that Kant attempts to tackle the problem of right from inter-personal perspective, which refers to the level of inter-subjectivity. This notion also is the crucial point of the private right and the public right. One can say that the view of right as "mine and yours" is the key idea of Kant's theory of right.

Kant thereafter defines the notion of universal right through moral law: "Right (*Recht*) is therefore the sum of the conditions under which the choice (*Willkür*) of one can be united with the choice of another in accordance with a universal law of freedom."²²⁴ This insight is totally different from the traditional the theory of right which attributes the ground to natural law in analogy to laws of nature. In other words, for Kant, moral law is the ground of right. Admittedly, from this definition, one comes to know that the problem of right involves the problem of freedom. Kant,

²²⁴ *The Metaphysics of Morals*, 6: 230.

thus, should spell out how moral law would be the ground of freedom and of right. Kant has to deal with the dispute between moral law and laws of nature. The Third Antinomy, put forward in his first *Critique*, shows that transcendental freedom and laws of nature are compatible so long as one conceives them from two different perspectives, i.e., noumenal and phenomenal perspectives. In his later works of moral philosophy, he endeavors to transit the ground of freedom from laws of nature to moral law. He analogizes moral law with laws of nature in articulating that the former shares the universality of the latter. In modern political philosophy, some philosophers, such as Rawls, intend to remove or avoid metaphysical elements in constructing their theories so as to avoid some controversial disputes. Rawls's theory, however, assumes that each person is free and autonomy. These assumptions have already involved more or less metaphysical elements. Although moral law seems to be the metaphysical principle, as Kant suggests, it is merely to consider law from noumenal perspective. Therefore, moral law is the indispensable ground for moral and political philosophy, especially the possibility of free action of an agent.

Although moral law is the ground of freedom, the sense of freedom in the public sphere is different from the private sphere. Hence, Kant introduces the *Wille* and *Willkür* distinction of will, which corresponds to different levels of freedom. The former refers to purification of the will in the level of subjectivity of individual and the latter refers to the problem whether people can choose different maxims for their action in the level of inter-subjectivity. Obviously, *Willkür* is what the notion of right attempts to protect. According to this understanding, Kant redefine the sense of freedom in the level of subjectivity: "Freedom (independence from being constrained by another's choice), insofar as it can coexist with the freedom of every other in accordance with a universal law, is the only original right belonging to every

man by virtue of his humanity.”²²⁵

In order to elucidate the external relation between subjects, Kant advances the notion of Original Contract in which subjects mutually bind their freedom. In the essay “*On the common saying: That may be correct in theory, but it is of no use in practice*,” Kant spends a lot of space to characterize the function of Original Contract. The function of Original Contract shows that one behaves socially and politically as if one has signed a contract in which he merely obeys to his own reason rather than to any authority, and by which one constrains himself voluntarily. For Kant, the notion of Original Contract, as a rational idea, is not only to elucidate the grounds of civil state, but also to appraise whether or not the public law and political system are just. According to the view of right as “mine and yours,” the notion of Original Contract can also apply to international order in which the relation between states also involve the public right.

Furthermore, in order to remove mistrust and to prevent injustice between states, Kant advances the notion of the form of publicity (*Publizität*). This notion of publicity is an *a priori* condition which involves in every claim to right, “since without it there would be no justice (which can be thought only as *publicly known*) and so too no right, which is conferred only by justice.”²²⁶ In accordance with this form, Kant casts new transcendental principles of public right: “all actions relating to the rights of others are wrong if their maxim is incompatible with publicity”²²⁷, and “all maxims which *need* publicity (in order not to fail in their end) harmonize with right and

²²⁵ *The Metaphysics of Morals*, 6: 237.

²²⁶ *Toward Perpetual Peace: A Philosophical Project*, 8: 381.

²²⁷ *Toward Perpetual Peace: A Philosophical Project*, 8: 381.

politics combined.”²²⁸ These two principles can be deemed as another formulation of freedom in the level of inter-subjectivity and the notion of Original Contract.

For Kant, although the notion of public right is the core element in the theory of perpetual peace, it seems that there is lack of guarantee since the progress of perpetual peace may regress. In the supplement of *Toward Perpetual Peace— A Philosophical Project*, Kant introduces another transcendental principle, i.e. the notion purposiveness as “lawfulness of the contingent as such,”²²⁹ to act as the guarantee of perpetual peace. He claims that war, as a mean of nature, will arrange different peoples to live in different parts of the world. Meanwhile because of the power of money, peoples will develop the commercial activity which requires a peace state. Kant thus believes that, by means of war, nature will push the human being toward perpetual peace. From this peculiarity seems that Kant is an adherent of war. He, however, construes war in terms of purposiveness. From this point of view, the human being can regard all objects not as disjointed things but as a system in which there are hierarchical orders in terms of species and genera and the systematic organization of empirical laws. Some scholars, who disagree with this argument, claim that this guarantee is redundant in the theory of perpetual peace. It seems that they neglect the discussion of reflective judgment in the third *Critique*.

Reflecting judgment is to find the universal from given particulars. Since one conceives the nature as the systematic interconnection of empirical laws in accordance with the notion of purposiveness. Kant further argues that the notion of purposiveness is technical. The notion “yields subjective principles that serve as a

²²⁸ *Toward Perpetual Peace: A Philosophical Project*, 8: 386.

²²⁹ “First Introduction”, 20: 217.

guideline for investigation of nature.”²³⁰ It is technical because one conceives nature as a system in light of the notion of “the technique of nature (*Technik der Natur*),”²³¹ which is “only grounds a maxim for the power of judgment”²³² and by which one analogizes nature with art as if nature is a profound designed. Comparing the notion of technique of nature with categories and freedom, the latter are both named “nomothetic” (*Nomothetick*),²³³ whereas the former is named *heautonomy* (*Heavtonomie*).²³⁴ In other words, the technique of nature is pertained to our reflective mode.

According to the third *Critique*, the notion of purposiveness can be distinguished into internal and external purposiveness. The guarantee of perpetual peace involves the latter which means that “one thing in nature serves another as the means to an end.”²³⁵ Kant argues that the human being is not only the ultimate end (*letzter Zweck*) of nature, but also the final end (*Endzweck*). Kant identifies the highest good with the final end, i.e. happiness in harmony with morality. In other words, through this final end, the human being can conceive all particulars as if they would help the human being in actualizing the final end. In the theory of perpetual peace, the regulating judgment can be deemed as a directive force for attaining perpetual peace for the human being.

Based on these two transcendental principles, i.e. the principle of public right and the notion of purposiveness, Kant advances the project of perpetual peace. For a

²³⁰ “First Introduction”, 20: 204.

²³¹ “First Introduction”, 20: 204.

²³² “First Introduction”, 20: 205.

²³³ “First Introduction”, 20: 215.

²³⁴ “First Introduction”, 20: 225.

²³⁵ *Critique of the Power of Judgment*, 5: 425.

basic appreciation of this project, I have discussed the meaning of the notion of perpetual peace. As Kant analyzes, since this is an unachievable idea, the human being never attain the state of perpetual peace. This unachievable notion can be pertained as an idea of perfection. While the human being cannot attain the state, this function of the notion plays a role of “continual *approximation (Annäherung)*,”²³⁶ which leads the human being in endeavoring into perpetual peace. This notion, thus, is the final purpose of the public right.

The project of perpetual peace mainly contains two parts, i.e. six preliminary articles and three definitive articles. The former aim to remove the mistrust between states and to prohibit war and the latter elucidates the conditions which can maintain the state of perpetual peace lastingly. Obviously, the most controversial topic lies on the three definitive articles, i.e. 1. The civil constitution in every state shall be republican, 2. The right of nation shall be based on a federalism of free states, 3. Cosmopolitan right shall be limited to conditions of universal hospitality. In history, these articles nevertheless are very difficult to implement. Also, the pity is that Kant ignores other elements leading to war, i.e. different religions and cultures which are the main causes of conflicts in recent two centuries.

If one merely evaluates Kant’s theory of perpetual peace from the historical perspective, his theory may seem to be unsuccessful in solving the many problems today. However, if one adopts another angle, i.e. philosophical perspective, one will obtain another picture. Although Kant actually underestimates other factors which may also have caused wars, one of the focal point of his entire project is the grounds, i.e. the notions of public right and of purposiveness.

²³⁶ *The Metaphysics of Morals*, 6: 350.

As I mentioned in chapter 3, it seems that Kant neglects the problem of culture. He only spends little space on discussing this topic. However, in the first supplement “On the guarantee of perpetual peace,” he indicates that:

[Nature] makes use of two means to prevent peoples from intermingling and to separate them: differences of *language* and of *religion*, which do bring with them the propensity to mutual hatred and pretexts for war but yet, with increasing culture and the gradual approach of human beings to greater agreement in principles, leads to understanding in a peace that is produced and secured, not as in such a despotism (in the graveyard of freedom), by means of a weakening of all forces, but by means of their equilibrium in liveliest competition.²³⁷

As mentioned in my discussion of the notion of purposiveness in chapter 2, nature would plan the separation of peoples not only by means of war, but also through language and religion. However, peoples ultimately have to compromise and tolerate each other because of cultural development. In other words, nature would induce people to search for common grounds in solving their problems. In the passage cited above, Kant obviously does not suggest eliminating different cultures for achieving perpetual peace. On the contrary, according to the plan of nature, the difference between cultures should be assumed as a necessary condition of the theory of perpetual peace. No peoples are required to abandon their own cultural characteristics in the process of perpetual peace. Rather, they are to seek common ground while preserving their differences. To communicate and to tolerate each

²³⁷ *Toward Perpetual Peace: A Philosophical Project*, 8: 367.

other's differences through reason will bring hope to perpetual peace.

It is clear that people would definitely attack others at will by violent measures. Instead, it must be assumed that all peoples are mutually bound by a common fundamental principle, i.e., the transcendental principle of public right. If one intends to maintain multiple cultures, such cultures should comply with this formal principle or the common ground in which the protection of human right and freedom feature as universal value for all human communities. After all, in accordance with the notion of Original Contract, freedom as the innate right does not just pertain to man's individual possession, but is "mine and yours."

From the philosophical perspective, Kant has contributed greatly to the grounds of the theory of perpetual peace, and shown the right direction of human being's purposive development. Although difficulties abound in the process of achieving perpetual peace, one should not be pessimistic. In my view, Kant's theory of perpetual peace could serve as a torch that guides us to proceed in the right way in the midst of darkness. To conclude this thesis, I shall therefore quote a paragraph from *Toward Perpetual Peace — A Philosophical Project*.

If it is a duty to realize the condition of public right, even if only in approximation by unending progress, and if there is also a well-founded hope of this, then the *perpetual peace* that follows upon what have till now been falsely called peace treaties (strictly speaking, truces) is no empty idea but a task that, gradually solved, comes steadily closer to its goal (since the times during which equal progress takes place will, we hope, become always shorter).

Bibliography

English references:

1. Allison, Henry E., "Kant's Antinomy of Teleological Judgment," in *Kant's Critique of the Power of Judgment: Critical Essays*, ed. Paul Guyer. Lanham Md: Rowman and Littlefield Publishers, 2003.
2. Allison, Henry E., "The Gulf between Nature and Freedom and Nature's Guarantee of Perpetual Peace," in *Proceedings of the Eighth International Kant Congress, Vol. 1. 1*, ed. Hoke Robinson. Milwaukee: Marquette University Press, 1995.
3. Allison, Henry E., *Kant's Theory of Freedom*. New York: Cambridge University Press, 1990.
4. Allison, Henry E., *Kant's Theory of Taste: A Reading of the Critique of Aesthetic Judgment*. New York: Cambridge University Press, 2001.
5. Allison, Henry E., *Kant's Transcendental Idealism (rev. and enl. ed.)*. New Haven: Yale University Press, 2004.
6. Arendt, Hannah, *Lectures on Kant's Political Philosophy*, ed. Ronald Beiner. Chicago: The University of Chicago Press, 1982.
7. Beiner, Ronald and Booth, William James eds., *Kant and Political Philosophy: The Contemporary Legacy*. New Haven: Yale University Press, 1993.
8. Mowat, C. L. ed., *The New Cambridge Modern History, Vol. 12*. London: Cambridge University Press, 1968.
9. Ellis, Elisabeth, *Kant's Politics: Provisional Theory for an Uncertain World*. New Haven: Yale University Press, 2005.
10. Hinsely, F. H. ed., *The New Cambridge Modern History, Vol. 11*. London: Cambridge University Press, 1962.
11. Ginsborg, Hannah, *The Role of Taste in Kant's Theory of Cognition* (New York and London: Garland Publishing Company, 1990.
12. Guyer, Paul, "Nature, Morality and the Possibility of Peace," in *Proceedings of the Eighth International Kant Congress, Vol. 1. 1*, ed. Hoke Robinson. Milwaukee: Marquette University Press, 1995.
13. Habermas, Jürgen, "Kant's Idea of Perpetual Peace, with the Benefit of Two Hundred Years' Hindsight," in *Perpetual Peace: Essays on Kant's Cosmopolitan Ideal*, eds. James Bohman and Matthias Lutz-Bachmann. Cambridge, Mass.: MIT Press, 1997.
14. Habermas, Jürgen, "Modernity—an Incomplete Project," in *Post-modern Culture*, ed. by Hal Foster. London: Pluto Press, 1985.

15. Höffe, Otfried, *Kant's Cosmopolitan Theory of Law and Peace*, trans. Alexandra Newton. New York: Cambridge University Press, 2006.
16. Huntington, Samuel P., *The Clash of Civilizations and The Remaking of World Order*. New York: Simon and Schuster, 1997.
17. Hutchings, Kimberly, *Kant, Critique and Politics*. London: Routledge, 1996.
18. Kersting, Wolfgang: "Politics, freedom, and order: Kant's political philosophy," in *The Cambridge Companion to Kant*, ed. Paul Guyer. New York: Cambridge University Press, 1992.
19. Kleingeld, Pauline, "Kant's theory of peace," in *The Cambridge Companion to Kant and Modern philosophy*, ed. Paul Guyer. New York: Cambridge University Press, 2006.
20. Kuehn, Manfred, *Kant: A Biography*. New York: Cambridge University Press, 2001.
21. Kwan, Tze-wan, "Kant's Possible Contribution to Natural Law Debates", in *Responsibility and Commitment: Eighteen Essays in Honor of Gerhold K. Becker*, ed. Tze-wan Kwan. Waldkirch: Ed Gorz, 2008.
22. Kwan, Tze-wan, "Towards a Phenomenology of Pronouns," in *International Journal of Philosophical Studies*, Vol. 5(2), ed. Maria Baghramian. Routledge, 2007.
23. Lau, Chong-fuk, "Freedom, Spontaneity and Noumenal Perspective," in *Kant-Studien* 99 Jahrg. Berlin: Walter de Gruyter 2008.
24. Tarling, Nicholas ed., *The Cambridge History of Southeast Asia*, v. 2. *The nineteenth and twentieth centuries*. New York: Cambridge University Press, 1992.
25. Nussbaum, Martha C., "Kant and Cosmopolitanism," in *Perpetual Peace: Essays on Kant's Cosmopolitan Ideal*, eds. James Bohman and Matthias Lutz-Bachmann. Cambridge, Mass.: MIT Press, 1997.
26. Rawls, John, *Lecture on The History of Moral Philosophy*, ed. Barnara Herman. Cambridge, Mass.: Harvard University Press, 2000.
27. Rawls, John, "Justice as Fairness: Political not Metaphysical", in Rawls, *Collected Papers*, ed. Samuel Freeman. Cambridge, Massachusetts: Harvard University Press, 2001.
28. Rawls, John, *A Theory of Justice (rev. ed.)*. Cambridge, Mass.: The Belknap Press of Harvard University Press, 1999.
29. Rawls, John, *Justice as Fairness: A Restatement*. Cambridge, Mass.: The Belknap Press of Harvard University Press, 2001.
30. Rawls, John, *The Law of Peoples*. Cambridge, Mass.: Harvard University Press, 1999.

31. Reill, P. H. and Wilson, E. J. eds, *Encyclopedia of Enlightenment*. New York: Facts On File, 1996.
32. Rosen, Allen D., *Kant's Theory of Justice*. New York: Cornell University Press, 1993.
33. Saner, Hans, *Kant's Political Thought*, trans. E. B. Ashton. Chicago: The University of Chicago Press, 1973.
34. Timmons, Mark ed., *Kant's Metaphysics of Morals Interpretative Essays*. New York: Oxford University Press, 2002.
35. Tuck, Richard, *The Rights of War and Peace: Political Thought and the International Order from Grotius to Kant*. New York: Oxford University Press, 1999.
36. Williams, Howard ed., *Essays on Kant's Political Philosophy*. Chicago: The University of Chicago Press, 1992.
37. Williams, Howard, *Kant's Political Philosophy*. Oxford: Basic Blackwell, 1983.
38. Wood, Allen, "Kant's Project of Perpetual Peace," in *Proceedings of the Eighth International Kant Congress, Vol. 1. 1*, ed. Hoke Robinson. Milwaukee: Marquette University Press, 1995.

Chinese references:

1. 康德著，李明輝譯：《康德歷史哲學論文集》。臺北：聯經出版社，2001。
2. 勞思光著，劉國英編：《危機世界與新希望世紀——再論當代哲學與文化》。香港：中文大學出版社，2007。
3. 勞思光著，劉國英編註：《文化哲學講演錄》。香港：中文大學出版社，2002。
4. 勞思光著，劉國英編註：《虛境與希望——論當代哲學與文化》。香港：中文大學出版社，2002。
5. 鄭芷人：《康德倫理學原理》。臺北：文津出版社，1992。

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